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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

# MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at [sos.mo.gov/adrules/pubsched](https://sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system–

Title	CSR	Division	Chapter	Rule
3	<i>Code of</i>	10-	4	.115
Department	<i>State</i>	Agency	General area	Specific area
	<i>Regulations</i>	division	regulated	regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

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The *Code* address is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr)

The *Register* address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 71—[Licensing] Rules for Residential Treatment Agencies for Children and Youth**

**EMERGENCY AMENDMENT**

**13 CSR 35-71.010 Definitions and Principles Generally Applicable to this Chapter.** The division is amending the title of the rule, adding a new section (1) and (2), rescinding sections (2), (3), (4), (11), (16), (18), and (21), and is moving the remaining sections into subsections under the new section (2).

*PURPOSE: The emergency amendment to this rule establishes the general principles that DSS will apply in implementing chapter 71. It also defines words and phrases used in the process that License-Exempt Residential Care Facilities must use to notify DSS of their operations in Missouri. Finally the emergency amendment defines words and phrases used in the rules for residential treatment agencies for children and youth in Chapter 71 and amends the title of the rule.*

*EMERGENCY STATEMENT: Section 210.493, RSMo, of House Bill (HB) 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of licensed residential care facilities (LRCF), License-Exempt Residential Care Facilities (LERCFs) and*

*Licensed Child Placing Agencies (CPAs). The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual's criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the Missouri Constitution because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, safety, and welfare. The implementation of the background checks required in this regulation will immediately enable the Department to conduct background checks and to determine whether individuals are eligible for employment or presence at these institutions. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the regulations governing residential care facilities in Missouri. This includes the requirements for conducting the required Background Checks required in section 210.493 RSMo, and the requirement that LRCFs notify DSS of their operations within Missouri as required by sections 210.1250 through 210.1286 RSMo. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The Department of Social Services believes that this emergency amendment is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency a on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed amendment, which covers this same material, is published in this issue of the Missouri Register. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.*

(1) The following principles shall apply to all decisions made pursuant to this chapter:

(A) The safety and welfare of children is paramount;

(B) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis;

(C) Services to children and their families which are provided by the division and licensed residential care facilities shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;

(D) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with federal and state standards;

(E) Resources and efforts of the division and licensed residential care facilities shall be committed to pursue the best possible opportunity for a successful outcome for each child. In the case of children and youth who are in the foster care system, successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four-hour treatment services, successful outcomes shall be based on the least restrictive alternative

possible based on the child's needs as well as the quality of care received; and

(F) All licensed service providers shall prioritize methods of reducing or eliminating a child's need for residential treatment through community-based services and supports.

(2) For the purpose of all regulations in 13 CSR chapter 71, unless otherwise specified or unless the context clearly requires otherwise, the definitions of terms specified in sections 210.110, 210.481, 210.1253 RSMo, and 13 CSR 35-71.015 shall apply to all of the regulations in this chapter. The singular includes the plural and plural includes the singular. In addition, the following terms are defined as follows:

(A) "Agency" in the context of regulations governing licensed residential care facilities shall mean the same as licensed residential care facility or LRCF.

(B) Background Check" means a background check which complies with the requirements of section 210.493, RSMo and 13 CSR 35-71.015

[(11)](C) "Chemical restraints" are drugs which are prescribed or administered to temporarily restrain a child who presents a likelihood of serious physical harm to him/herself or others.

[(2) Child is any individual under eighteen (18) years of age as defined in section 210.481(1), RSMo.

(3) Child abuse/neglect background check is, at a minimum, a search of the family care safety registry for residential treatment agencies for children and youth staff child abuse/neglect history pursuant to sections 210.903 through 210.936, RSMo.

(4) Criminal background check is, at a minimum, a search of the family care safety registry for residential treatment agencies for children and youth staff criminal history pursuant to sections 210.903 through 210.936, RSMo.]

[(5)](D) A "critical incident" is an incident involving a child in the care of the agency, in which the child or another person directly involved with the child is placed at significant risk of death, serious physical, mental, or sexual harm. A critical incident may involve conduct of the child, other children, and/or acts or omissions of staff of the agency. Examples of critical incidents include, but are not limited to: injury of a child during physical restraint; serious physical or sexual aggression by or toward the child; significant physical injuries requiring medical attention; allegations of sexual abuse; criminal conduct involving the child; elopement; attempted suicide; fire setting; child death; and information which must be reported to the child abuse and neglect hotline pursuant to 210.115 RSMo. A "critical incident report" is a report documenting a critical incident.

[(6)](E) "Director" is the director of the Children's Division.

[(7)](F) "Division" is the Children's Division of the Department of Social Services of Missouri as defined in section 210.481(3), RSMo.

(G) "Elopement"-When a child leaves a facility or designated area off the campus of a LRCF without permission and places the child out of sight and sound of direct supervision.

[(8)](J) "Family [c]are [s]afety [r]egistry" [pursuant to sections 210.903 through 210.936, RSMo, is established to protect children, the elderly, and disabled individuals in the state and to promote community safety by providing information concerning family caregivers as established within the Department of Health and Senior Services. The registry contains information on child-care workers' and personal-care workers' background and child-care, elder-care, and personal-care providers as specified in section 210.903.2(1)-(8), RSMo] means the family care safety registry administered by the Department of Health and Senior Services.

[(9)](K) "Good standing" refers to a licensed residential treat-

ment agency for children and youth in substantial compliance with Chapter 71 of the Children's Division residential treatment agencies for children and youth rules and is not under involuntary intake suspension, license denial, license suspension, and/or license revocation.

[(10)](L) "Intensive residential treatment" for children and youth is provided in a living unit of an agency for gravely, emotionally dysregulated youth that has the capability of providing a highly structured and secure environment to prevent runaway behavior, address the likelihood of rage and physical aggression, and minimize the likelihood of youth injuring themselves or others. Intensive residential treatment for children and youth may be achieved through a combination of staffing patterns, architectural design of the operating site, electronic monitoring of the operating site and its exits, or other means necessary to assure safety.

[(11)] License is the legal document issued to an agency by the division for a period not to exceed two (2) years which authorizes the agency to provide twenty-four- (24-) hour care for children, subject to compliance with sections 210.481 - 210.536, RSMo, and the applicable rules promulgated by the division (section 210.481(6), RSMo).

[(12)](M) "Mechanical restraints" are any device, instrument, or physical object used to confine or limit a child's freedom of movement, except when necessary for orthopedic, surgical, and other medical purposes, or when necessary, to transport a child that may abscond or cause injury during transportation. Support devices used in normal situations to achieve proper body position and balance are not mechanical restraints.

[(13)](N) "Medical examination" is a thorough physical examination conducted by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician. It may include a variety of tests, depending on the age, sex, and health of the person being examined, that includes tests for communicable diseases including, but not limited to, tuberculosis and hepatitis, when recommended by a licensed physician. It should also include a statement of the patient's mental state as determined by a licensed physician.

[(14)](O) "Operating site" is any building or campus of a licensed agency in which children [reside] receive care.

[(15)](P) "Physical restraint" is physical holding involving restriction of a child's voluntary movement to temporarily restrain an agitated, violent, or aggressive child who presents a likelihood of serious physical harm to him/herself or others.

[(16)](Q) [Residential treatment agency for children and youth is an agency providing twenty-four-(24-) hour care and treatment to children who are unrelated to the person operating the agency and who are unattended by a parent or guardian (as defined in section 210.481(10), RSMo, as residential care facility).] "Professional staff" of residential care facility are staff or contractors of the residential care facility who are qualified and required by law to be licensed in good standing to provide services for children to provide the services which they are providing. Examples of professional staff include, but are not limited to: physicians, nurses, physician assistants, teachers, licensed professional counselors, physical therapists, and occupational therapists.

[(17)](R) "Social services" are planned psycho-social interventions that are intended to lead to increased individual and family self-sufficiency, and empowerment, and will support the child's transition from the placement into the family or community. Social services shall include, but shall not necessarily be limited to, individual, family, or group therapy, provided in conjunction with other age and developmentally appropriate expressive, experiential, and adjunct activities.

[(18) Staff are persons employed by an agency.]

[(19)](S) "Transitional living services" are services provided to

older adolescents that combine life skills training with opportunities to practice same. The goal of such services is to prepare the youth for successful adult living in the community upon their discharge from residential treatment for children and youth.

[(20)](T) “Variance” is a minor, time limited, deviation from a rule that may be requested by a licensed residential treatment for children and youth agency on a form prescribed by the division and approved or denied by the division. Approval may be granted by the division when a variance does not negatively impact child health and safety and is not under the purview of another regulatory entity. Examples include, but are not limited to, time limited deviations in licensed capacity and age range.

[(21)] Volunteer is any person who provides direct services to children within an agency, either on or off the premises, without financial compensation.]

[(22)](U) “Well-known religious order, church, and religious organization” are defined as follows:

[(A)]1. A church, synagogue, or mosque;

[(B)]2. An entity that would qualify for federal tax exempt status as a not-for-profit religious organization under section 501(c) of the Internal Revenue Code of 1954; or

[(C)]3. An entity where the real property on which the residential treatment for children and youth operating site is located is exempt from local taxation because it is used for religious purposes.

**AUTHORITY:** sections 207.020, 210.506, and 660.017, RSMo [2000] 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-71.010. Original rule filed May 9, 1956, effective May 19, 1956. Refiled March 12, 1976. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

**PUBLIC COST:** This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

**PRIVATE COST:** This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

## **Title 13—DEPARTMENT OF SOCIAL SERVICES**

### **Division 35—Children’s Division**

#### **Chapter 71—Rules for Residential Treatment Agencies for Children and Youth**

#### **EMERGENCY RULE**

#### **13 CSR 35-71.015 Background Checks for Personnel of Residential Care Facilities and Child Placing Agencies**

**PURPOSE:** This emergency rule establishes the processes and procedures for conducting background checks for personnel of child placing agencies, licensed residential care facilities and residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286 RSMo as provided and authorized by sections 210.493 RSMo.

**EMERGENCY STATEMENT:** Section 210.493, RSMo, of House Bill (HB) 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff, and owners of Licensed Residential Care Facilities (LRCF),

License-Exempt Residential Care Facilities (LERCFs) and Licensed Child Placing Agencies (CPAs). The law further authorizes the Department to promulgate regulations to implement the requirement that the Department conduct background checks on any person who has unsupervised contact with children and any adult who resides at a LERCF. The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual’s criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the **Missouri Constitution** because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, safety, and welfare. The implementation of the background checks required in this regulation will immediately enable the Department to conduct background checks and to determine whether individuals are eligible for employment or presence at these institutions. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The Department of Social Services believes that this emergency rule is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency rule on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed rule, which covers this same material, is published in this issue of the **Missouri Register**. This emergency rule was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.

(1) Definitions. For the purpose of this regulation, unless otherwise specified in this subsection or unless the context clearly requires otherwise, the definitions of terms specified in sections 210.110, 210.481 and 210.1253, RSMo shall apply to this regulation. The singular includes the plural and plural includes the singular. In addition, the following terms are defined as follows:

(A) “Applicant” means any individual who applies or is required to successfully complete the background check requirements for employment or presence at the Licensed Residential Care Facility (“LRCF”), License Exempt Residential Care Facility (“LERCF”) or Child Placing Agency (CPA) by section 210.493 RSMo. For the purposes of Background Checks conducted by the Missouri State Highway Patrol of the Missouri Department of Public Safety the term “applicant” is further defined as specified in section 43.539 RSMo.

1. Except as otherwise provided in this regulation, applicants for LRCFs, LERCFs and CPAs who are required to complete the background check process include: officers; managers; contractors with unsupervised access to children; volunteers with unsupervised access to children; employees; other support staff; owners of LRCFs and LERCFs that will have access to the facilities; and owners of LERCF, LRCF and CPA that will have access to children.

2. Except as otherwise provided in this regulation, applicants for LERCFs who are required to complete a background check also include any applicant as defined in section 43.539 RSMo who has unsupervised contact with a resident of the LERCF. The following individuals or classes of individuals who may have unsupervised contact with a child who is a resident of a LERCF are not deemed to be applicants and are not required to submit to background checks as provided in this subsection unless otherwise required by law or court

order:

A. Legal parents, step-parents, grandparents, siblings, legal guardians and prospective adoptive parents who do not reside on or at the LERCF but who have contact or visits with a child who resides on the property of a LERCF;

B. Licensed or other lawfully qualified individuals who do not reside at or on the property of a LERCF; who are not employees, officers, volunteers, staff, support staff of the LERCF; and who provide occasional emergency professional services within the scope of their employment pertaining to a child who resides at or on the property of the LERCF such as: licensed physicians, licensed nurses, licensed emergency medical technicians, POST certified law enforcement officers, Juvenile Officers, division Employees, Prosecuting Attorneys, court appointed special advocates (CASA) assigned by a court to a child who resides at a LERCF, attorneys and court appointed guardians ad litem for children who reside at an LERCF.

C. Licensed or other lawfully qualified individuals who do not reside at or on the property of a LERCF; who are not employees, officers, volunteers, staff, support staff of the LERCF, and who provide reasonably necessary, professional services, maintenance in an emergency when it is necessary to protect the health and safety of individuals at the facility and background checks are not reasonably possible under the circumstances, or government inspections on the premises of a LERCF to ensure the health and safety of the residents such as fire, health and safety inspectors, and nationally recognized accrediting agencies, heating, construction, electrical and plumbing contractors.

(B) "Boarding School" includes any educational institution in which some or all of the children who attend the institution reside during their attendance at the institution. Boarding schools include facilities where the children lodge in dorms, in private homes whose owners are contracted with, associated or affiliated with the institution, or in homes owned or operated by the institution regardless of whether or not the child's residence is located on or off the institution's campus.

(C) The "Department" or the "division" shall refer to the Children's Division of the Missouri Department of Social Services.

(D) "Employee" is any individual who works in the service of a LERCF, LRCF or Child Placing Agency under an express or implied contract for hire, whether written or unwritten, full time or part time, under which the LERCF, LRCF or Child Placing Agency has the right to control the details of work performance in whole or in part. Staff can be employees and employees can be staff.

(E) "Licensed Residential Care Facility" or "LRCF" means a facility providing twenty-four-hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian, and which is required to have a license to operate as a Residential Care Facility under section 210.516 RSMo. LRCFs do not include licensed foster family homes or unlicensed kinship placements made pursuant to a juvenile or family court order.

(F) "License-Exempt Residential Care Facility" or "LERCF" means any place, facility, or home operated by any person who receives children who are not related to the operator and whose parent or guardian is not a resident of the same facility and that provides such children with supervision, care, lodging and maintenance for twenty-four hours a day, with or without transfer of custody; and that is not required to be licensed under section 210.516 RSMo. Unless exempted as provided below, LERCFs include, but are not limited to, boarding schools, juvenile detention facilities, license-exempt foster homes as defined in section 210.516, RSMo, and other congregate care facilities. LERCFs do not include:

1. Hospitals, sanitariums and clinics operated to provide medical care and treatment and operating pursuant to a valid license issued by the Missouri Department of Health and Senior Services (DHSS), the Missouri Department of Mental Health (DMH), the United States (such as Veterans' Administration Hospitals and hospitals administered by the armed forces of the United States);

2. Boarding schools operated by the Missouri Department of Elementary and Secondary Education (DESE), provided that DESE requires background checks equivalent or more stringent than the requirements of section 210.493 RSMo.

3. Foster homes and congregate care facilities or homes licensed or certified by the DMH, provided that DMH requires background checks equivalent or more stringent than the requirements of section 210.493 RSMo.

4. Juvenile corrections programs operated by the Department of Social Services, Division of Youth Services or juvenile detention facilities operated by Juvenile Officers or juvenile courts which are subject to the Prison Rape Elimination Act (PREA) standards and auditing;

5. Facilities operated by the Missouri Department of Corrections and county or local jails;

6. Any individual (but not a corporation, partnership, organization or association) who receives on a voluntary basis, the child of close, personal friends or relatives as an occasional and personal guest in their personal home or the home of the child's parent, guardian or legal custodian, who is otherwise unaffiliated with a LRCF or LERCF and who receives custody of or provides care of no other child unrelated by consanguinity, adoption or affinity;

7. Any individual (but not a corporation, partnership, organization or association) who is otherwise unaffiliated with a LRCF or LERCF who receives legal custody or guardianship of a child or sibling group pursuant to a judgment or order of a court of competent jurisdiction in cases where a state or local government is not a party; and, in cases where the judgment or order is entered by a court outside the state of Missouri, all of the requirements of the Uniform Child Custody and Jurisdiction Act, the Interstate Compact for the Placement of Children (ICPC) or the Interstate Compact for the Placement of Juveniles (ICJ) have been fully satisfied; and

8. Any camp which is not a Boarding School; which is operated solely during certain months of the year, not to exceed four months; which is conducted in good faith primarily to provide recreation or religious instruction for children; in which the children do not spend more than thirty consecutive overnight periods during any twelve month period; and not for ongoing residential or treatment purposes.

(G) "Manager" is any individual who administers or supervises the affairs of the LERCF, LRCF or Child Placing Agency, including, but not limited to: any individual who supervises any employees, staff or volunteers of the LERCF, LRCF or Child Placing Agency.

(H) "Missouri State Highway Patrol" or "MSHP" shall mean the Missouri State Highway Patrol of the Missouri Department of Public Safety.

(I) "Officer" is any individual who holds an executive position with the LERCF, LRCF or Child Placing Agency, including, but not limited to: Chairperson of the Board, President, Director, Vice President, Secretary, General Counsel, Headmaster, Principal, Head Teacher, Treasurer or any other individual listed as an officer of the LERCF, LRCF or Child Placing Agency.

(J) "Owner" of a LERCF, LRCF or Child Placing Agency is any individual who holds an equity interest in the LERCF, LRCF or Child Placing Agency.

(K) "Sponsoring Organization" shall mean the entity that sponsors the LERCF, LRCF or Child Placing agency, including, but not limited to the sponsoring church or religious organization.

(L) "Support Staff" or "Staff" of a LERCF, LRCF or Child Placing Agency include any individual who works for or performs services, including professional services, for the LERCF, LRCF or Child Placing Agency, whether compensated or not. Staff can be employees and employees can be staff.

(M) "Volunteer" of a LERCF, LRCF or Child Placing Agency is any individual who performs a service for or on behalf of the LERCF, LRCF or Child Placing Agency of their own free will without obligation, or without any expectation of reward or compensation.



(2) The Background Checks conducted pursuant to this regulation shall consist of the following:

(A) A Fingerprint Based Background Check of Open and Closed criminal history conducted in conjunction with the MSHP pursuant to subsection (3) of this regulation; and

(B) A search of the a national offender registry conducted by the division; and

(C) A search of the following registries, repositories, or databases in Missouri, the state where the applicant resides, and each state where the applicant resided during the preceding five years conducted by the division:

1. The state sex offender registry or repository (in Missouri this is a search of the MSHP Sex Offender Registry); and

2. The state family care safety registry (in Missouri this is a search of the Family Care Safety Registry); and

3. The state-based child abuse and neglect registry and database (in Missouri this is a search of the Central Registry of the division).

(3) All of the Fingerprint Based Background Checks of closed criminal history conducted under this regulation shall be performed in conjunction with the MSHP solely through the authority of the Missouri Volunteer and Employee Criminal History Service (VECHS) and the National Child Protection Act, Public Law 103-209, as amended. No fingerprint based, criminal background checks of federal records or closed criminal history shall be conducted under this regulation on clients, patients and students of the LERCF or LRCF unless the Fingerprint Based Background Check of closed criminal history is authorized by federal and state law and that individual is also an employee, staff or volunteer of the LERCF or LRCF. The Background Checks conducted in conjunction with the MSHP will be conducted pursuant to the law, statutes, regulations and policies governing the MSHP and will include a Fingerprint Background Check and a State Open Records Check as provided in this subsection.

(A) Fingerprint Background Check – A state and FBI background check is required for any person who is: actively employed by or seeks employment with; actively licensed or seeks licensure with; actively volunteers or seeks to volunteer with; actively contracted with or seeks to contract with; an owner or operator of a Licensed Residential Care Facility, a License-Exempt Residential Care Facility, or a Child Placing Agency, prior to having access to children.

1. The fingerprint background check will be conducted through the Missouri VECHS Program, pursuant to the National Child Protection Act, as amended.

2. Criminal history record information will consist of complete Missouri criminal history (open and closed) records, and criminal history from the Federal Bureau of Investigation. Criminal history will include convictions, arrests within 30 days, pending charges and suspended imposition of sentence (SIS) during probation, not guilty findings, charges nolle prossed, or dismissed cases, SIS cases after probation is completed, and arrests after thirty (30) days where no charges have yet been filed or reported by the prosecuting attorney, and will include a search of the state sex offender registry.

(B) State Open Records Check – required for any person that is not an employee, volunteer, contractor, owner/operator, who is eighteen years of age or older, who resides at or on the property, who has or may have unsupervised access to children for whom a Licensed-Exempt Residential Care Facility provides care. A state open record check consists of convictions, arrests within thirty (30) days, pending charges, suspended imposition of sentence (SIS) during probation, and will include a search of the state sex offender registry.

(4) Application of this Regulation. This regulation applies to CPAs, LRCFs and LERCFs which are subject to the notification requirements of sections 210.1250 to 210.1286, RSMo.

(A) Phase in Period. Every LRCF, LERCF, and Child Placing Agency operating on the date that section 210.493 and this regulation

become effective shall have until December 31, 2021, for all applicants complete Background Checks. The division may extend this deadline for any individual LRCF, LERCF and Child Placing Agency, due to unusual, compelling and extenuating circumstances beyond the control of the LRCF, LERCF or Child Placing Agency. The request for an extension shall be in writing and shall explain the reasons for the request for an extension. Any applicant who does not complete the background check process as specified in this regulation by the deadline shall be ineligible for employment or service with an LRCF, LERCF or Child Placing Agency until the background check process has been successfully completed.

(B) Any applicant who begins employment or service after the effective date of this regulation shall complete the background check process before beginning employment or service with a LRCF, LERCF or Child Placing Agency.

(5) Designation of Authority. The Department of Social Services hereby designates the Children's Division of the Department of Social Services to be the division within the Department of Social Services to administer background checks as required by section 210.493, RSMo. The Department of Social Services hereby designates the Administrative Hearings Unit within the Division of Legal Services of the Department of Social Services to process and decide all appeals of applicants as provided in this regulation.

(6) Application Process.

(A) The applicant shall apply for background screening through the division's on-line portal on forms promulgated by the division. The application forms and instructions are incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65101, at its website at <https://www.dss.mo.gov/provider-services/children/residential-program/background-checks.htm>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. The applicant shall submit the completed application form and upload any supporting or supplemental forms and documentation through the division's online portal. The application must be signed by the applicant (e-signature is acceptable).

1. The applicant may apply to the division for permission to file the application and supporting documentation by mail or private delivery service rather than through the on-line portal when there are unusual, compelling and extenuating circumstances which make filing the application through the on-line portal impossible. The applicant shall apply for permission to file the application form, supporting or supplemental materials with the division in writing, and shall explain the circumstances why the applicant cannot submit the application through the on-line portal. A copy of the application forms for use in submitting application by mail is incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65101, at its website at <https://www.dss.mo.gov/provider-services/children/residential-program/background-checks.htm>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. Applicants may download a copy of the forms. The applicant shall attach all documentation that may be necessary to complete the required application. If the division grants permission under this subsection, the applicant may submit the form with supporting materials by mail, by private delivery service, or in person to the offices of the division at Children's Division, Attn: Attn: Background Screening Team, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, Missouri 65101; or by e-mail at [CDScreen@dss.mo.gov](mailto:CDScreen@dss.mo.gov).

(B) The application shall contain all of the following information:

1. The applicant's current, full legal name, residence address, mailing address, business address, telephone number and e-mail address. The applicant's mailing address and e-mail addresses shall be the applicant's address of record for purposes of this regulation;

2. The applicant's Date of Birth and full social security number;

3. Any other names or aliases that the applicant has used or been known by during the five-year period preceding the application;

4. Any other residence address, mailing address, county and state of residence, business address, telephone number and e-mail address that the applicant has had during the five-year period preceding the application;

5. Whether the applicant is registered, or is required to be registered, on a state sex offender registry or repository or in the National Sex Offender Registry. If the applicant is so registered or required to be registered, the applicant shall provide the following additional information:

A. The national, federal, state or local jurisdiction in which the applicant is registered or required to be registered;

B. The specific crime or offense for which the applicant is registered or required to be registered including:

(I) The date or approximate date that the crime or offense was committed;

(II) The statute or section number of the crime or offense;

(III) The name and address of the Court where the case was adjudicated;

(IV) The case number; and

(V) The date of the plea, finding, judgment, or sentence.

6. Whether the applicant is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183 RSMo., or any other finding of child abuse or neglect based on any other state's registry or database. In states where the official registry of substantiated findings of child abuse or neglect are made or kept by a county, this information must also be disclosed. If the applicant is listed, the applicant shall also provide:

A. The state or county registry or database in which the applicant is listed;

B. The specific finding(s) of the state or county agency and the conduct for which the applicant is listed, including:

(I) The date(s) of the conduct;

(II) The date the applicant was listed;

(III) The name and address of the state or local government entity that maintains the list.

7. Whether the applicant has ever been found guilty of or pled guilty or nolo contendere to any crime or offense listed in section 210.493.3(5) RSMo. If the applicant has ever been found guilty of or pled guilty or nolo contendere to any such crime or offense, the applicant shall also provide:

A. The national, federal, state or local jurisdiction where the applicant was found guilty of or pled guilty or nolo contendere;

B. The specific crime or offense for which the applicant is registered or required to be registered, including:

(I) The date or approximate date that the crime or offense was committed;

(II) The statute or section number of the crime or offense;

(III) The name and address of the Court where the case was adjudicated;

(IV) The case number; and

(V) The date of the plea, finding, judgment or sentence.

8. Whether the applicant consents to the division notifying the LRCF, LERCF or Child Placing Agency of its decision on eligibility or ineligibility and/or sending a copy of its eligibility or ineligibility finding to the LRCF, LERCF or Child Placing Agency.

9. Whether the person is requesting a response and notice of final decision by first class mail or by e-mail;

10. The name and address of any LRCF, LERCF or Child Placing Agency that the applicant wishes the division to send a finding of eligibility or ineligibility to upon the completion of the background check process. The applicant shall further provide the name and address of the Sponsoring Organization, when applicable.

11. A fully completed and signed MOVECHS Waiver Agreement and Statement (SHP-981G) form. The completed and signed Waiver form must be submitted with the application.

12. Acknowledgment and certification by the applicant, under penalty of perjury that: all submitted information is true, accurate and complete to the best of the applicant's knowledge; and the applicant understands that a knowing violation of section 210.493, RSMo. may constitute a criminal offense and knowingly making a materially false statement in connection with a background check shall render the applicant ineligible

13. Any other information and documents that the applicant wishes the division to consider in making its decision about eligibility.

14. An explanation of why the applicant is unable to provide any of the information that must be provided to support the application.

(C) The applicant shall register with the Family Care Safety Registry and execute any documents necessary for the division to access the applicant's results in the Family Care Safety Registry.

(D) The applicant shall execute any authorizations necessary to obtain information from state, local, and federal registries.

(E) The applicant shall submit fingerprint cards and any required fees to the Missouri State Highway Patrol's central repository and follow all of the Missouri State Highway Patrol's procedures for requesting a fingerprint based, criminal background check. The applicant shall further execute any documents and consents necessary for the Missouri State Highway Patrol to complete the fingerprint based criminal background check and to notify the division of any criminal history record, or lack of criminal history record information, discovered on the applicant as required by law.

(F) The applicant must submit a completed MOVECHS Waiver Agreement and Statement (SHP-981G) to the division with the application form to the division before reporting to be fingerprinted.

(G) The application will not be complete until the division receives a fully completed application form, MOVECHS Waiver Agreement and Statement (SHP-981G), form and the results of the fingerprint based criminal background check from the Missouri State Highway Patrol and the applicant is registered for the Family Care Safety Registry and executed any authorizations necessary to obtain information from any registries.

(H) Upon receipt of a complete application, and MOVECHS Waiver Agreement and Statement (SHP-981G) and consideration of the application, the division will notify the applicant of eligibility or ineligibility based on the background check by mailing a Notice to the applicant's address of record, and send a copy to the LRCF, LERCF or Child Placing Agency as indicated on the application.

1. The Notice will indicate whether the applicant is eligible or ineligible for employment or presence at the LRCF, LERCF or Child Placing Agency.

2. The Notice will advise the applicant of the applicant's right to request administrative review and appeal the decision and the process for requesting administrative review or appeal.

3. The Notice will advise the applicant of the applicant's responsibility to notify the division, LRCF, LERCF or Child Placing Agency of any event which would impact the applicant's eligibility as provided in section 210.493 and this regulation.

4. The Notice will advise the applicant that the finding of eligibility or ineligibility was based on a background check of records through the date of the notice and for the particular LRCF, LERCF or Child Placing Agency for which the background check was requested.

(I) If the division finds the applicant eligible, the division shall forward a copy of the finding to any LRCF, LERCF or Child Placing Agency indicated by the applicant. If the division finds the applicant ineligible, the division shall not send a copy of the notice to any indicated LRCF, LERCF or Child Placing Agency, until the division determines the applicant has exhausted the applicant's administrative remedies and the division has received a written consent from the applicant authorizing the division to disclose such information.

(7) Fees and Costs. The applicant, LRCF, LERCF or Child Placing Agency shall be responsible for the payment of any and all required

fees for processing the application, including any fees for the fingerprint-based background check and the Family Care Safety Registry.

(8) Notice and Communications. The division will send all communications and notices pertaining to an application and Request for Administrative Review or Appeal by first class mail unless the applicant or entity requesting Administrative Review or Appeal affirmatively notifies the division, in writing, that the applicant or person would like to receive communications by e-mail and provides the division with the e-mail address. It is the responsibility of the applicant or person to notify the division of any change in the applicant's or person's contact information. All notices shall be sent to the address or e-mail address of record, and all correspondence sent to that address shall be deemed received and sufficient service for all purposes.

(9) The division shall not reveal any information pertaining to any disqualifying crime, offense, or other related information regarding the applicant to the LRCF, LERCF or Child Placing Agency except as may be otherwise required by law.

(10) Continuing Obligation to Notify and Expiration of Determination.

(A) The division's decision of eligibility or ineligibility shall be based upon the information that the division receives through the background check process, and any additional information that may be made available to the division during administrative review and appeal.

(B) The division's finding is only valid through the date of the decision and only for the LRCF, LERCF or Child Placing Agency indicated by the applicant on the application. The applicant may designate more than one LRCF, LERCF or Child Placing Agency on a single application.

(C) The applicant shall be responsible for notifying the division of any change in circumstance which may render the applicant ineligible and shall submit a new application based upon the subsequent information.

(D) The applicant's fingerprint-based background check is valid for five (5) years from the date the fingerprints were taken, or until there is any change in the circumstances of the applicant which would render the applicant ineligible under the statute, whichever occurs first. It is the responsibility of the applicant to track the expiration date of the fingerprints and submit an application for a new background check.

(E) The division's finding automatically expires thirty (30) days from the date of the division's decision. It is the responsibility of the applicant to submit a new application for a new determination and fingerprint based criminal background check following the procedures specified in this regulation.

(11) In making a decision whether an applicant is eligible or ineligible under section 210.493 and this regulation, the division shall not consider the manner, content or the religious curriculum of the program, or ministry of a school or of a facility sponsored by a church or religious organization.

(12) Administrative Review and Appeal Procedure.

(A) The decision of the division shall be final unless the applicant or person who is aggrieved by a decision of the division under this regulation files a request for Administrative Review of the decision within fourteen (14) days of the mailing of the decision. Any request for Administrative Review that the division receives after the deadline is untimely and will not be subject to further administrative review or appeal.

(B) Administrative Review.

1. A request for Administrative Review shall be made in writing, either on a form provided by the division or by letter. The division will publish a form on its website. The request for

Administrative Review shall:

A. Include the name, address, telephone number and e-mail address of the person requesting administrative review;

B. State whether the division should provide the response and notice of final decision by first class mail or by e-mail;

C. Identify the decision the requestor wishes to be reviewed, the specific reasons the requestor believes the division's decision is erroneous and why the requestor is aggrieved by the decision;

D. Include copies of any relevant documents, materials or information that the requestor wishes to submit in support of the administrative review request; and

E. State whether the person requests that the review be considered on the basis of the materials submitted, or whether the person requests an in-person review conference. If the person requests a review conference, then the person shall also provide dates and times within the next thirty (30) days when the person may be available and the reasons why the administrative review cannot be processed on the basis of the materials presented.

1. The request for administrative review shall be submitted to the division by certified first class mail through the United States Postal Service return receipt requested to the address specified on the Notice of Ineligibility or submitted electronically by e-mail to the division to the e-mail address specified in the Notice of Ineligibility.

2. The Administrative Review shall be conducted and decided based upon the written materials submitted to the division and any information and materials presented at a review conference. The division will provide an in-person conference upon written request.

3. The review conference may take place by telephone conference call, video conference or in-person meeting.

4. The Administrative Review process shall be informal. The rules of evidence shall not apply. There is no right to conduct discovery. There shall be no right to compel the production of witnesses or evidence by subpoena or otherwise.

5. The Administrative Review shall be conducted by an individual designated by the Director of the Department or the division, who may be an employee of the division or the Department. However, the individual shall not have been involved in making the decision which is subject to review.

6. The individual conducting the Administrative Review shall conduct the administrative review and render a written decision no later than thirty (30) days from the date that the division received the request for administrative review.

7. The decision upon Administrative Review shall be the final decision of the Department as to any person that is not an applicant.

(C) Appeal.

1. Any applicant who is aggrieved by a decision upon Administrative Review shall have the right to appeal the decision to the Administrative Hearings Unit of the Division of Legal Services of the Department of Social Services. The applicant shall submit a Notice of Appeal to the division, within fourteen (14) days of the date of the Administrative Review decision, by certified first class mail through the United States Postal Service return receipt requested to the address specified on the Notice of Ineligibility or submitted electronically by e-mail to the division to the e-mail address specified in the Notice of Decision Upon Administrative Review. The division must receive the Notice of Appeal within fourteen (14) days of the date of the decision. Any Notice of Appeal that is received after the deadline is untimely and the appeal will be dismissed. Completion of the Administrative Review process is a condition precedent to the applicant's right to appeal.

2. The parties to the appeal shall be the division and the applicant.

3. All appeals shall be processed and decided by a Hearing Officer from the Administrative Hearings Unit of the Division of Legal Services of the Department of Social Services. The decision of the Hearing Officer shall be the final decision of the Department.

4. The following evidence shall be admitted and considered by the Hearing Officer on appeal as provided in this subsection without

further foundation:

A. A copy of the application form and all supporting documentation;

B. A copy of the record of the Court establishing that the applicant pled guilty or nolo contendere or has been found guilty of a crime or offense listed in 210.493 RSMo;

C. A copy of a letter or official communication from the applicable state, county or local government agency stating that the applicant is listed as a perpetrator of child abuse or neglect in the state, county or local government agency's registry or database of perpetrators of child abuse or neglect;

D. A copy of the report of the fingerprint based background check conducted pursuant to subsection (3) of this regulation; and

E. A copy of a letter, official communication, or a print out of the applicable page of the National Sex Offender Registry or state sex offender registry.

5. The applicant or division may object to the Hearing Officer considering the information outlined in this regulation. The burden shall be on the objecting party to establish that the items of evidence shall not be considered by the Hearing Officer.

6. The hearings held under this subsection shall be informal, but they shall be held on the record and testimony will be adduced under oath. The rules of evidence do not apply. The applicant may be represented by an attorney.

7. Upon written request the division will provide the applicant with a copy of the fingerprint-based state and FBI background check.

8. The hearing is and shall not be not an opportunity to collaterally attack or re-litigate the validity of the underlying plea of guilt, plea of nolo contendere, or the underlying finding of child abuse, neglect or maltreatment by the applicable state or local agency, or the accuracy of information in the federal, state or local registry or repository.

9. The hearing shall be based upon the written submissions of the parties unless the applicant or the division request a hearing by video or teleconference. The Hearing Officer may hold an in-person hearing only upon a showing that an in person hearing is necessary to accommodate a special need of an applicant or the division.

10. The Hearing Officer shall issue a decision in writing, which will be sent by first class mail (or by e-mail at the election of the applicant) to the applicant at the applicant's address of record. If the applicant is represented by an attorney the decision will be sent to the applicant's attorney. The written decision of the Hearing Officer shall be the final decision of the Department.

(D) Judicial Review

1. Any applicant aggrieved by the final decision of the Department after appeal may seek judicial review as provided in section 536.150 RSMo.

2. Any person who is not an applicant who is aggrieved by the final decision of the Department after Administrative Review may seek judicial review as provided in section 536.150, RSMo.

*AUTHORITY: sections 207.020 and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. Emergency rule filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

*PUBLIC COST: This emergency rule will cost state agencies or political subdivisions an estimated three hundred one thousand seventy-eight dollars (\$301,078) in the time the emergency is effective.*

*PRIVATE COST: This emergency rule will cost private entities an estimated one hundred forty-one thousand one hundred thirty-two dollars (\$141,132) in the time the emergency is effective.*

**FISCAL NOTE  
PUBLIC COST**

- I.**     **Department Title:** Title 13–Social Services  
          **Division Title:** Division 35–Children’s Division  
          **Chapter Title:** Chapter 71–Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Name:</b>	13 CSR 35-71.015 Background Check Regulation
<b>Type of Rulemaking:</b>	Emergency Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services-Children’s Division	The cost is estimated to be \$301,078 for the first six months.

**III. WORKSHEET**

There are seven FTE needed to complete the background checks.

5 Administrative Support Assistants  
1 Administrative Support Professional  
1 Social Services Unit Supervisor

Cost breakout	
Salaries	\$127,213
Fringe	\$ 91,301
Equipment and Expense (including initial cube set-up)	<u>\$ 82,564</u>
<b>TOTAL</b>	<b>\$301,078</b>

**IV. ASSUMPTIONS**

In the original fiscal note, the Department requested Children’s Service Workers to complete these tasks. On further discussion, the classification of the people needed are Administrative Support Assistants, and an Administrative Support Professional. These positions cost less than the original estimate in the fiscal note, resulting in less cost than originally estimated.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13–Social Services  
**Division Title:** Division 35–Children’s Division  
**Chapter Title:** Chapter 71–Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Name:</b>	13 CSR 35-71.015 Background Check Regulation
<b>Type of Rulemaking:</b>	Emergency Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
114	Licensed Residential Treatment Facilities	\$228,000 / 2 = \$114,000 for six months
69	Child Placing Agencies	\$14,250 / 2 = \$7,125 for six months
20	License Exempt Residential Treatment Facilities	\$40,014 / 2 = \$20,007 for six months

**III. WORKSHEET**

Classification	Estimate number of employees	Background cost \$41.75 fingerprints \$15.25 FCSR \$57.00 Total
Licensed Residential Treatment Facilities	4000	\$228,000 / 2 = \$114,000 for six months
Child Placing Agencies	250	\$14,250 / 2 = \$7,125 for six months
License Exempt Residential Treatment Facilities	702	\$40,014 / 2 = \$20,007 for six months
		\$141,132 (Total estimate for six months)

**IV. ASSUMPTIONS**

The estimated cost of compliance is based on the need to complete the full process of a background screening process, including the onetime registration fees for the Family Care Safety Registry.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**

**Division 35—Children's Division**

**Chapter 71—[Licensing] Rules for Residential Treatment Agencies for Children and Youth**

**EMERGENCY AMENDMENT**

**13 CSR 35-71.020 Basic Residential Treatment for Children and Youth Core Requirements (Applicable To All Agencies)-Basis for Licensure and Licensing Procedures.** The division is amending sections (1)-(6).

*PURPOSE:* The purpose of this amendment is to update the requirements for applying for an application to operate a licensed residential care facility in Missouri and to implement the new requirements of HB 557 (2021).

*EMERGENCY STATEMENT:* Section 210.493, RSMo, of House Bill (HB) 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of Licensed Residential Care Facilities (LRCF), License-Exempt Residential Care Facilities (LERCFs) and Licensed Child Placing Agencies (CPAs). The law further authorizes the Department to promulgate regulations to implement the requirement that the Department conduct background checks on any person who has unsupervised contact with children and any adult who resides at a LERCF. The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual's criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 also requires DSS to implement requirements that residential care facilities notify DSS that they are conducting operations in Missouri. See sections 210.1250 through 210.1286 RSMo. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the **Missouri Constitution** because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, safety, and welfare. The implementation of the background checks required in this regulation will immediately enable the Department to conduct background checks, to determine whether individuals are eligible for employment or presence at these institution and implement the new notification requirements. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the regulations governing residential care facilities in Missouri. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The Department of Social Services believes that this emergency amendment is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency amendment on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed amendment, which covers this same material, is published in this issue of the **Missouri Register**. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.

(1) Licensing Authority.

(A) Any person who desires to develop, establish, maintain or operate, or both, a residential treatment agency for children and youth, except for those persons exempt from licensing pursuant to section 210.516, RSMo, must file an application for licensure form with the division and must receive a license prior to accepting any child for care.

(B) Before a license may be granted, an agency must be in compliance with sections 210.481–210.536, RSMo, sections 210.1250 through 210.1286 RSMo, and these rules.

(2) Application [for Licensure] Procedures.

(A) [An agency shall submit the following documents in duplicate to the division—] To apply for a license to operate a Licensed Residential Care Facility (LRCF) in Missouri, the person, or the person's legally authorized designee, shall file an application with the division on forms provided by the division.

1. [Application for licensure signed and dated by the applicant:] The application forms are published on the division's website, and are incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, PO Box 88, Jefferson City, MO 65103, and available at: <https://www.dss.mo.gov/provider-services/children/residential-program/licensed.htm>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. The person shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The person shall submit the form with supplementary materials to the division by e-mail at the following e-mail address: CDaskRPU@dss.mo.gov.

2. The application form shall be signed by the person, or the person's legally authorized designee. The division will accept e-signatures.

(B) The Application shall contain the following information:

1. The name, street address, mailing address, fax number and phone number of the residential care facility.

2. The name, street address, mailing address, e-mail address and phone number of the Director, Owner and Operator of the LRCF.

3. The name, street address, mailing address, e-mail address, phone number and job title of the individual or individuals who are designated to submit the application on behalf of the residential care facility. This individual shall be an individual who is legally authorized to act on behalf of the residential care facility and to legally bind the residential care facility to the statements made and information provided in support of the application;

4. The name and description of the person operating the residential care facility, including a statement as to whether the person operating the residential care facility is a firm, corporation, benevolent association, partnership, association, agency, or an incorporated or unincorporated organization, regardless of the name used. If the owner or operator of the residential care facility is incorporated a corporation state the type of corporation, the state in which the corporation was incorporated in and the date of incorporation.

5. The name and address of the sponsoring organization of the residential care facility, if applicable;

6. The name and address of every school attended by, or to be attended by, the children served by the residential care facility;

7. A certification that officers, managers, contractors, volunteers with access to children, employees and other support staff of the residential care facility, and owners who will have access to the facilities have, or will have, completed Background Checks and have been found eligible as required in section 210.493, RSMo and 13 CSR 35-71.015.

(C) The residential care facility shall submit the additional documentation and information in support of the application as provided in this subsection. This information may be submitted on a

form or forms provided by the division, or it may be submitted separately as attachment(s) to the application.

**1. Local health department inspection certificates.**

A. The residential care facility shall successfully complete and obtain any and all local health department inspection certificates required in the jurisdiction in which the facility operates. If the residential care facility operates in more than one county or local jurisdiction, then the residential care facility shall obtain the required certificates for each facility in each location.

B. The residential care facility shall submit a copy of all local health department inspection certificates with the application, and shall indicate the date of the inspection and the date that each certificate expires, if any.

C. If there is no local or county government health department in which the residential care facility is located, or if the local or county health department will not perform a health inspection, the residential care facility shall request that decision in writing and submit that information with the application.

D. If the residential care facility is unable, after exercising diligent efforts, and due to no fault of its own, to obtain a local inspection certificate, then the residential care facility shall submit a statement describing the efforts made to obtain the certificate(s) and the reason why the residential care facility was unable to obtain the certificate. The residential care facility shall attach copies of any correspondence from any state, county or local jurisdictions declining to conduct the inspection.

**2. Proof that medical records are maintained for each child.** The division will accept copies of the LRCF's administrative policy regarding the maintenance of medical records as prima facie proof that the LRCF is maintaining medical records for purposes of submitting an application. However, proof that the LRCF is maintaining medical records on each child will be subject of verification and monitoring. The LRCF shall provide the division access to the facility upon request to inspect the medical records maintained by the LRCF on the children served by the LRCF in order to verify that the medical records are being kept.

[2.]/3. Evidence of compliance with local building and zoning requirements;

[3.]/4. A floor plan of the proposed site in which the specific use of each room is identified;

[4.]/5. A signed and dated copy of the civil rights agreement;

[5.]/6. A chart depicting the agency's organizational structure and lines of supervision;

[6.]/7. Written policies and procedures established by the board of directors which clearly set forth the authority and the responsibilities delegated to the executive director;

[7.]/8. A copy of the articles of incorporation, bylaws, and board roster, including the mailing address and place of employment of each member, and a list of board officers;

[8.]/9. A proposed budget for a period of not less than one (1) year, including sources of income and/or fund raising methods;

[9.]/10. Verification of availability of not less than three (3) months' operating capital;

[10.]/11. A copy of the residential care facility's written intake policy;

[11.]/12. Written identification of specific program models or designs which shall include the methods of care and treatment to be provided;

[12.]/13. The [J]/job title, job description, and minimum qualifications for all staff;

[13.]/14. A projected staffing plan for the anticipated capacity;

[14.]/15. Written child abuse and neglect reporting policy;

[15.]/16. Written personnel practices, including staff training and orientation;

[16.]/17. Written discipline policy;

[17.]/18. Written visitation policy;

[18.]/19. Written health care policy;

[19.]/20. Written restraint policy utilizing a recognized and

approved physical restraint program;

[20.]/21. A needs assessment conducted and submitted as evidence of need for the type and scope of program proposed. This written assessment shall include, but is not limited to:

A. An identification and survey of potential referral sources, existing resources, and unmet community needs;

B. A business plan that details the agency's proposed venture explaining the vision, mission, current status, expected needs, defined markets, and projected results;

C. A description of how treatment will be provided and documented and how the proposed operating site meets therapeutic needs;

D. A description of how the agency will be financed and how fiscal viability will be maintained; and

E. A description of the results of a meeting planned and hosted by the agency with key community participants with the intent of enhancing communication, gathering information for the needs assessment, addressing interaction with community resources, and addressing community questions and comments regarding the proposed residential treatment agency for children and youth;

[21.]/22. Evidence of compliance with fire safety requirements of the State Fire Marshal;

[22. *Documentation that the agency's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not an approved public source;*]

23. Verification of a medical examination that includes tests for communicable diseases including, but not limited to, tuberculosis and hepatitis when recommended by a licensed physician for all staff, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, shall be submitted within thirty (30) days of initial licensure using the form prescribed by the division;

24. *[Results of a check of the family care safety registry for all staff, as well as interns, volunteers, and contractors. Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed upon initial employment. If the employee continues to reside in another state, the out-of-state check shall be done annually. Results of employee medical examinations and background screenings, along with family care safety registry documentation may be viewed by division licensing staff on site during routine record reviews]* **A certification that all individuals who are required to complete a background check and be found eligible for employment or presence at the LRCF as provided in section 210.493 RSMo and 13 CSR 35-71.015;**

25. Verification of the education, licensing credentials, and experience for all professional staff;

26. A copy of the resume for all professional and administrative staff;

27. Written description of the recreational program, and the manner in which staff are qualified and prepared to create, organize, and supervise them;

28. A copy of the annual written staff training plan;

29. A copy of the personnel manual for the agency;

30. A copy of the program manual for the agency;

31. For any agency operating a swimming pool on grounds, documentation that the pool is operated and maintained in accordance with all applicable ordinances and/or state guidelines;

32. Documentation that each operating site's food service is in



compliance with the requirements of the Department of Health and Senior Services and/or any local applicable ordinances;

33. Written volunteer policies;
34. Written policy for the use of visiting resources;
35. Written confidentiality policy;
36. Written policy for the use of locked isolation;
37. Written instructions for fire, severe weather, and other emergency evacuations;

38. Written description of the agency's religious requirements and practices;

39. Written policy governing the use of medications, including psychotropic medications;

40. A copy of any newsletter, brochure, or flyer used by the agency for fundraising or marketing purposes; **and**

41. Documentation of insurance for the agency for professional and commercial liability, worker's compensation insurance, fire and disaster insurance, and agency vehicle insurance[; *and*].

*[42. A completed, signed, and dated copy of the agency self-study on a form prescribed by the division.]*

**(D) Upon receipt of the application form and supporting documentation, the division will send a request to the State Fire Marshal to conduct a fire and safety inspection and provide the LRCF and the division with a copy of the approved fire and safety certificate.**

**(E) The application will be complete when the residential care facility submits a completed application with all of the required supporting documents and information to include all required inspection certificates.**

### (3) Licensing Assessment.

**(A) *[A/When the application is complete the division will conduct a thorough assessment of the *[agency shall be made by the division, including a review of the documents required in this rule and visits to the agency]* residential care facility to determine whether the residential care facility meets all of the requirements for licensure in compliance with the licensing law and applicable rules.***

**(B) If an applicant for licensure is determined not to be in compliance with the licensing law and applicable rules, *[and/or if the division issues a provisional license and the residential care facility does not achieve full compliance *[is not achieved]* within *[a]* six *[-]* (6/-) months of the date of the issuance of the provisional license *[period]*, the application *[may]* will be denied. A new application for licensure must be filed if the agency desires to pursue licensure.***

### (4) The License.

**(F) An *[licensed residential treatment agency]* LRCF for children and youth may request a temporary variance from one (1) or more of the licensing requirements for a specified period of time on a form prescribed by the division that is approved or denied by the division. Approval may be granted by the division only in unusual situations when the division determines that the variance will not negatively impact child health and safety and is not under the purview of another regulatory entity. Examples may include, but are not limited to, time limited deviations in licensed capacity and age range. No variance will be granted for any licensing requirements which involve the health, safety, and welfare of children. Examples include, but are not limited to, compliance with fire and sanitary codes, food safety, building occupancy requirements, and other requirements imposed by law. In the event the licensed residential treatment agency for children and youth does not agree with the decision of the division, it may request administrative review pursuant to 13 CSR 35-71.030.**

### (5) License Amendment.

**(A) An *[agency]* LRCF shall file an application for amendment with the division on a form prescribed by the division at least sixty (60) days prior to—**

1. Relocation and/or address change;
2. Change in the name of the *[agency]* LRCF;
3. Change in the capacity, gender served, and/or age range of children; or
4. Any major change in the program.

### (6) Licensing Renewal.

***[(A) An application for licensure shall be mailed by the division to the agency.]***

***[(B)](A) The *[agency]* LRCF shall complete and return the application for license renewal to the division at least ninety (90) days prior to the expiration of the current license. The LRCF shall utilize the forms indicated in paragraph (2)(A)1. of this regulation to initiate the license renewal process. The LRCF shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The LRCF shall submit the form with supplementary materials by e-mail to the LRCF's designated division license consultant. The application form shall be signed by the Director of the LRCF or the Director's legally authorized designee. The division will accept e-signatures.***

***[(C)](B) The division shall initiate action on the completed application packet prior to the expiration of the existing licensure period.***

***[(D)](C) In addition to the completed application form, the residential care facility shall submit the following documents *[shall be submitted]* with the application for license renewal:***

1. Verification of a medical examination that includes tests for communicable diseases including, but not limited to, tuberculosis and hepatitis when recommended by a licensed physician, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, for all staff working directly with children shall be submitted utilizing the form prescribed by the division;

2. A current board roster, including the mailing address and place of employment of each member and a list of board officers;

3. A summary of any significant changes to programs and copies of any resulting policies or policy changes;

4. A copy of a current organizational chart;

5. Certification that all individuals who are required to submit to a Background Check have completed their Background Checks and have been found eligible by the division for employment or presence at the LRCF as provided in section 210.493, RSMo and 13 CSR 35-71.015;

6. Annual results of a check of the family care safety registry for all staff, as well as interns, volunteers, and contractors. *[Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed upon initial employment. If the employee continues to reside in another state, the out-of-state check shall be done annually. Results of employee medical examinations and background screenings, along with family care safety registry documentation may be viewed by division licensing staff on site during routine record reviews];*

***[6.]7. Evidence of current compliance with the fire and safety requirements of the State Fire Marshal;***

***[7.]8. A record of monthly drills for fire and emergency evacuations which are held at different times of the day and night;***

***[8.]9. Documentation that each operating site's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not***

an approved public source;

[9.]/10. A copy of the most recent financial audit and/or financial review [pursuant to 13 CSR 35-71.040(5)(B)];

[10.]/11. A copy of the annual written staff training plan;

[11.]/12. Documentation that each operating site food service is currently in compliance with requirements of the Department of Health and Senior Services or any local applicable ordinance;

[12.]/13. A copy of the current personnel and/or program manual for the agency if there have been changes since last submitted to the licensing unit;

[13.]/14. For any agency operating a swimming pool on grounds, documentation that the pool is operated and maintained in accordance with all applicable local ordinances and/or state guidelines;

[14.]/15. A copy of the resume of all administrative and professional staff, if not previously submitted to the licensing unit;

[15.]/16. Documentation of insurance for the agency for professional liability and commercial liability, worker's compensation insurance, fire and disaster insurance, and agency vehicle insurance; and

[16.]/17. Documentation of form 990 for all non-profit agencies and Internal Revenue Service return for for-profit agencies and self-disclosure of tax liabilities, including but not limited to, all employee withholding taxes.

**(D) Division staff may review the results of employee medical examinations and background screenings, along with family care safety registry during routine record reviews.**

(E) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for a period not to exceed two (2) years.

**AUTHORITY:** sections [210.516] 207.020, 210.506, and 660.017, RSMo [2000] 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-71.020. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**PUBLIC COST:** This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

**PRIVATE COST:** This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES** **Division 35—Children's Division** **Chapter 71—[Licensing] Rules for Residential Treatment** **Agencies for Children and Youth**

#### **EMERGENCY AMENDMENT**

**13 CSR 35-71.030 Hearings and Judicial Review.** The division is amending sections (1), (2), and (3).

**PURPOSE:** This amendment is necessary to update the regulation to reflect current practice and to implement the requirements of HB 557 (2021).

**EMERGENCY STATEMENT:** Section 210.493, RSMo, of House Bill (HB) 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support

staff, and owners of Licensed Residential Care Facilities (LRCF). The law further authorizes the Department to promulgate regulations to implement the requirement that the Department conduct background checks on any person who has unsupervised contact with children and any adult who resides at a LRCF. The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual's criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 also requires DSS to implement requirements that residential care facilities notify DSS that they are conducting operations in Missouri. See sections 210.1250 through 210.1286 RSMo. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the *Missouri Constitution* because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, safety, and welfare. The implementation of the background checks required in this regulation will immediately enable the Department to conduct background checks, to determine whether individuals are eligible for employment or presence at these institution and implement the new notification requirements. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the regulations governing residential care facilities in Missouri. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri and United States Constitutions*. The Department of Social Services believes that this emergency regulation is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency amendment on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed amendment, which covers this same material, is published in this issue of the *Missouri Register*. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.

#### **(1) License Denial or License Revocation.**

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who—

1. Fails consistently to comply with the applicable provisions of sections 210.481–210.536, and 210.1250 through 210.1286, RSMo, and the applicable corresponding rules;

2. Violates any of the provisions of its license;

3. Violates federal or state laws or rules relating to the protection of children;

4. Abuses or neglects children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a [court adjudicated, probable cause, and/or preponderance of evidence finding, or (effective August 4, 2008) are] substantiated finding of child abuse or neglect; or is found guilty, pleads guilty, or pleads no contest to [felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, and (effective the date of this amendment) felony possession, delivery, distribution, manufacturing, or production of controlled substance crimes as specified in Chapter 195, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause,

and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious child neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division. The division may make limited exceptions to the above exclusionary employment criteria in extraordinary circumstances where the agency and the employee establish that the potential employee is essential to the success of the licensed residential treatment agency for children and youth, the employee poses no risk to the welfare, health, and safety of the children in placement, the employee is not listed on the sexual offender registry and has no history of court adjudicated, probable cause, and/or preponderance of evidence sexual abuse. The division may require that the prospective employee and the agency submit proof that the employee or prospective employee has successfully completed any and all sentences imposed and any reasonably necessary or required medical, psychiatric, and/or mental health treatment necessary to assure that the employee or prospective employee poses no danger to the health, safety, and welfare of children. The agency shall file a written application for an exception to the requirements of this section. The application shall contain detailed information and documentation supporting the request. In the event that the division denies the request the employee or prospective employee and the agency may file a written request for an informal meeting pursuant to paragraph (1)(A)11. of this section] **any crime which would render an individual ineligible for employment or presence at the LRCF pursuant to section 210.493 RSMo ;**

5. Employs persons who the division has found ineligible for employment or presence at the LRCF pursuant to section 210.493, RSMo and 13 CSR 35-71.015, or who abuses or neglects children[, persons who are the subjects of multiple or serious reports of child abuse or child neglect which upon investigation results in a court adjudicated, probable cause, and/or preponderance of evidence finding or (effective August 4, 2008) are found guilty, plead guilty, or plead no contest to are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, and (effective the date of this amendment) felony possession, delivery, distribution, manufacturing, or production of controlled substance crimes as specified in Chapter 195, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious child neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division. The division may make limited exceptions to the above exclusionary employment criteria in extraordinary circumstances where the agency and the employee establish that the potential employee is essential to the success of the licensed residential treatment agency for children and youth, the employee poses no risk to the welfare, health, and safety of the children in placement, the employee is not listed on the sexual offender registry and has no history of court adjudicated, probable cause, and/or preponderance of evidence sexual abuse. The division may require that the prospective employee and the agency submit proof that the employee or prospective employee has successfully completed any and all sentences imposed and any reasonably necessary or

required medical, psychiatric, and/or mental health treatment necessary to assure that the employee or prospective employee poses no danger to the health, safety, and welfare of children. The agency shall file a written application for an exception to the requirements of this section. The application shall contain detailed information and documentation supporting the request. In the event that the division denies the request the employee or prospective employee and the agency may file a written request for an informal meeting pursuant to paragraph (1)(A)11. of this section];

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or refuses to make available to the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip, and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule, or ordinance applicable to the location of a facility;

10. Fails to provide adequate financial resources for the satisfactory care of children being served, or the upkeep of the premises, or both; *or*

11. *[When a potential employee of a licensed residential treatment agency for children and youth is excluded from employment pursuant to paragraphs 13 CSR 35-71.030(1)(A)4. and 5. above, the Children's Division may grant an informal meeting only if the potential employee and the licensed residential treatment agency for children and youth request the informal meeting in writing and explain, based on the specified criteria, the reason the employee would be hired and how children in residence at the operating site would be protected. When the written request is received, the division shall schedule an informal meeting as soon as practicable. The meeting shall take place before the division director/designee. The division shall notify the agency of the date and time of the meeting. The meeting may be continued at the request of the agency, but the employment exclusion shall remain in effect pending the meeting. The meeting shall be informal, the rules of evidence shall not apply and both the agency and the division may submit any information relevant to the employment issues. The purpose of the meeting will be to determine the potential employee's suitability for employment based on the criteria listed in paragraphs 13 CSR 35-71.030(1)(A)4. and 5. above. Upon receipt of the final decision of the division, the agency may decide to accept the final decision or file petition for a hearing on administrative review pursuant to section (5) of this rule.] Fails to satisfactorily comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance and required under section 210.252, RSMo; or*

12. **Is a health or safety concern for the children at the LRCF.**

(2) License Suspension.

(A) The division shall have the authority to suspend the license of an agency when—

1. The division determines that the suspension of the license is necessary to protect the health, safety, and welfare of children who are or may be placed at the operating site; and

2. The division determines that one (1) or more of the criteria set out in sections 210.496, and 210.1250 through 210.1286, RSMo and/or subsection (1)(A) of this rule may exist; and

3. The division has reasonable cause to believe that the agency will be able to develop and effectively implement a corrective action plan to resolve the concerns which gave rise to the suspension of the license.

(3) Suspension of Intake.

(A) The division shall have the authority to suspend the authorization of the agency to admit additional children into placement during time periods proscribed by the division when the division determines that the agency is not in compliance with the requirements of sections **210.493**, **210.496**, and **210.1250 through 210.1286, RSMo** and/or subsection (1)(A) of this rule and—

1. The addition of additional children to the agency is not in the best interests of the children already placed within the agency or who may be placed with the agency; and

2. Allowing the placement of additional children with the agency may pose a risk to the health, safety, and welfare of children already placed with the agency or who may be placed with the agency.

*AUTHORITY: sections 207.020, 210.506 [and], 210.526, and 660.017, RSMo [2000] 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-71.030. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment is anticipated to cost private entities approximately thirty thousand dollars (\$30,000) in the time the emergency amendment is effective.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13—Department of Social Services  
**Division Title:** Division 35—Children’s Division  
**Chapter Title:** 71—Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Title:</b>	13 CSR 35-71.030 Hearing and Judicial Review
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by the adoption of the rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
60	Licensed Residential Agencies	$\$1,000 \times 60 = \$60,000.00 / 2 = \$30,000.00$ for six months

**III. WORKSHEET**

Average of 1 employees x \$1,000 for hiring and training cost = \$1,000 average per residential agency for 60 agencies equals \$60,000.00 (divided by 2 for only 6 months of the year) equals \$30,000.00

**IV. ASSUMPTIONS**

This new regulation contains new exclusionary criteria for residential agency employment in HB 557 and 560, residential agencies will have to terminate an estimated 1 employees per agency. An estimate of \$1,000 per employee for job posting, hiring, orientation and training cost for new staff.

This estimate is based on an average of 1 employees per agency and an estimated cost to hire and train new employees.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 71—[Licensing] Rules for Residential Treatment**  
**Agencies for Children and Youth**

**EMERGENCY AMENDMENT**

**13 CSR 35-71.045 Personnel.** The Department of Social Services is amending sections (1), (2), (3), and (5).

*PURPOSE:* This emergency amendment sets forth the requirements for child abuse/neglect and criminal background screenings, medical examinations, personnel records, job descriptions, and staff orientation and training.

*EMERGENCY STATEMENT:* Section 210.493, RSMo, of HB 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of Licensed Residential Care Facilities (LRCF). The law further authorizes the Department to promulgate regulations to implement the requirement that the Department conduct background checks on any person who has unsupervised contact with children and any adult who resides at a LRCF. The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual's criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 also requires DSS to implement requirements that residential care facilities notify DSS that they are conducting operations in Missouri. See sections 210.1250 through 210.1286 RSMo. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the **Missouri Constitution** because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, welfare, peace and safety. The implementation of the background checks required in this regulation will immediately enable the Department to conduct background checks, to determine whether individuals are eligible for employment or presence at these institution and implement the new notification requirements. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the regulations governing residential care facilities in Missouri. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The Department of Social Services believes that this emergency amendment is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency amendment on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed amendment, which covers this same material, is published in this issue of the **Missouri Register**. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.

(1) General Requirements.

(A) The [agency] LRCF shall have a written statement of person-

nel practices which are approved by the governing body and provided to all staff at the time of employment.

(B) The [agency] LRCF shall evaluate and investigate application information carefully to determine whether employment or service of an applicant with the LRCF is in the best interests of the children in care.

(C) [The agency shall require that each employee, intern, volunteer, and any contracted personnel secure and provide to the agency upon initial employment and annually thereafter, a child abuse/neglect and criminal background screening utilizing the family care safety registry from the Department of Health and Senior Services.] All officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of such LRCF who will have access to the facilities of the LRCF shall submit to a background check and shall be found eligible for employment or presence at the LRCF as provided in section 210.493 RSMo and 13 CSR 35-71.015 before commencing service or being afforded access to the facilities of the LRCF. These individuals shall notify the LRCF and the division of any change in circumstances which would render them ineligible for employment or presence at the LRCF. After the individual completes the background check, the LRCF shall further require all officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of the LRCF who will have access to the facilities of the LRCF to successfully complete an annual check of the Family Care Safety Registry. The LRCF shall maintain documentation of the Family Care Safety Registry checks in its personnel records.

(D) [Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of background screening(s) from those states to include, but not limited to, child abuse/neglect and criminal background screening check(s). When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screenings check(s) from the previous state(s) only needs to be completed upon initial employment. If the employee continues to reside in another state, the out-of-state check shall be done annually. An agency shall exclude from employment (effective August 4, 2008) staff who are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, and (effective the date of this amendment) felony possession, delivery, distribution, manufacturing, or production of controlled substance crimes as specified in Chapter 195, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious child neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure.] After the individual completes the background check, the LRCF shall require all officers, managers, contractors, volunteers with access to children, employees, other support staff, and owners of the LRCF who will have access to the facilities of the LRCF, and who reside outside of the state of Missouri, to successfully complete an annual background screening which shall consist of a check of the child abuse and neglect registry and a criminal background check of the state or jurisdiction in which the individual resides. LRCFs shall further implement and apply policies which require all personnel who are otherwise required to submit to a background check pursuant to section 210.493, RSMo to immediately notify the LRCF if they are listed in a state or local government registry as

a perpetrator or child abuse or neglect, or if they arrested or charged with any crime listed in section 210.493 RSMo.

(E) *[If an employee is hired with a child abuse/neglect/criminal history that does not otherwise exclude the employee from employment, the agency administrator/executive director shall document in writing in the employee's file the reason for hiring the employee and how children in residence at the operating site will be protected.] Any person who makes a materially false statement in connection with an application for licensure or relicensure as a LRCF shall be ineligible for employment or presence at the LRCF.*

(F) Prior to the employment of any person for a position requiring credit hours, a degree, or both from an accredited college or university, a resume and an official college transcript, or a copy of the diploma, shall be on file at the *[agency]* LRCF. Any person employed in a position requiring general educational development certificate or high school diploma shall provide documentation of such within thirty (30) days of employment.

(G) An *[agency]* LRCF shall require the names of at least three (3) persons for each **employee, volunteer, or** *[s/staff]* person, who are unrelated to the *[staff member]* individual, who can provide character references. **At least two (2) of the three (3) persons shall be professional references from a previous employer, internship, or volunteer position. If the individual is a student then this requirement may be satisfied by providing the references from the individual's professor, guidance counselor, teacher, or academic advisor.**

*[(H) An agency shall require references for each staff person from all previous employers within the last five (5) years and a history of any previous employment in child care settings.]*

*[(I)](H) [All references shall be] The LRCF shall contact[ed] all references and [documented by the agency with letters or verification in the record of verbal contacts, providing the date, person making the contact, and the content of the contact] maintain documentation of the reference checks in the LRCF's employee records.*

*[(J)](I) The [agency] LRCF shall require an annual driver record check for any staff, **employee, intern, volunteer, or contract personnel** who transport residents. No *[staff]* individual with a suspended or revoked driver's license or record of driving while under the influence of alcohol or any other intoxicating substance within the last five (5) years shall transport residents.*

#### (2) *[Medical Examinations]* **Health Verification.**

(A) All **staff, employees, interns, volunteers, and contracted personnel** shall be free of *[signs] symptoms of [highly] communicable disease or other evidence of ill health which poses a threat to children. [This shall be verified by a medical examination by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician before employment, or within ten (10) days following employment, and biennially thereafter.]*

*[(B) Medical examinations shall include tests and/or procedures that indicate they are free from communicable disease including, but not limited to, tuberculosis and hepatitis when recommended by a licensed physician.]*

*[(C)](B) Staff, interns, volunteers and contracted personnel shall be free of any conditions which would adversely affect their ability to care for, or pose a threat to children.*

*[(D)](C) If the division has reason to question the capabilities of any *[person]* individual working directly with children served by the LRCF, the division may require *[additional examinations]* the individual to submit to a medical examination and obtain a report of an appropriate medical professional that the individual is medically fit to perform the services for the LRCF without rea-*

sonable risk to the children.

(3) Personnel Records. *[Personnel records shall be maintained]* **The LRCF shall maintain personnel records for each staff member, employee, intern, volunteer, and contracted employee as indicated below. The LRCF shall maintain the staff records on site, and shall keep the records for at least five (5) years following the date of separation from the LRCF.**

(A) For *[an employee]* staff members and employees, the personnel record shall include—

1. Verification of education and experience, and a copy of professional license, if applicable;

2. Verification of the names of three (3) persons, unrelated to the staff member, who can provide character **and professional** references;

3. Verification of employer references for the past five (5) years and *[a history of any]* previous employment in child care settings;

4. A copy of the job description signed and dated by the employee;

*[5. Reports of initial and biennial medical examinations that indicate that they appear to be free from communicable disease;]*

*[6.]5. Results of annual checks of the family care safety registry;*

*[7.]6. [Results of background screenings from other states in which employees have resided and/or have lived or worked within the past five (5) years, including an annual out-of-state check if the person resides in another state] Documentation that the individual has completed the background checks and that the division has found the individual eligible for employment or presence at the LRCF pursuant to section 210.493, RSMo. and 13 CSR 35-71.015;*

*[8.]7. The date of employment, date of separation, reason(s) for separation;*

*[9.]8. Copies of *[an initial six (6) months']* annual performance evaluations *[and each subsequent annual evaluation]*;*

*[10.]9. Results of an annual driver record check for any employee, intern, volunteer, and any contracted personnel who transport residents;*

*[11.]10. A signed and dated copy of the confidentiality statement;*

*[12.]11. A signed and dated copy of the discipline policy;*

*[13.]12. A signed and dated copy of the mandated child abuse/neglect reporting policy;*

*[14.]13. A signed and dated copy of an acknowledgement of receipt of program and personnel policies **and manuals**;*

*[15.]14. A signed and dated copy of the acknowledgment of completed agency orientation;*

*[16.]15. Documentation that the staff member has successfully completed all *[of staff]* training required for the successful performance of the individual's duties;*

*[17.]16. Documentation of current first aid/cardio pulmonary resuscitation training and certification; and*

*[18.]17. Documentation of current medical aid certification, when applicable.*

(B) **For** Interns, volunteers, and contracted employees who have direct contact with children, **the personnel record** shall include—

1. Copy of professional credentials *[(if applicable)]*;

2. Documentation of initial and *[biennial]* subsequent medical examinations *[that indicates that they are free from communicable disease including, but not limited to, tuberculosis and hepatitis];*

3. Results of annual checks of the family care safety registry **and documentation that the individual has completed the background check process and been found eligible for service as provided in section 210.493, RSMo. and 13 CSR 35-71.015;**

*[4. Results of background screenings from other states in which interns/volunteers who have direct contact with*

*children have resided and/or have lived or worked within the past five (5) years, including an annual out-of-state check if the person resides in another state;*

*[5.]4. A signed and dated copy of the contract or any agreement outlining purpose of presence on site;*

*[6.]5. A signed and dated copy of the confidentiality policy;*

*[7.]6. A signed and dated copy of the discipline policy;*

*[8.]7. A signed and dated copy of the mandated child abuse/neglect and critical incident reporting policies;*

*[9.]8. A signed and dated copy of the acknowledgement of receipt of **manuals and** policies related to *[their]* the agreement/contract; and*

*[10.]9. Documentation of staff orientation participation.*

(5) Staff Orientation. Immediately before or within one (1) week following appointment, an employee, intern, volunteer, and any contracted personnel shall be oriented to the agency's programs, practices, and the duties and expectations of his/her position. The orientation program shall include, but not be limited to:

(D) The family's role in the **child's** care and the worker's role and responsibilities in relation to the family;

*AUTHORITY: sections 207.020, 210.506, and 660.017, RSMo [2000] 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-71.045. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expired Jan. 30, 2009. Moved to 13 CSR 35-71.045 and amended: Filed July 25, 2008, effective Jan. 30, 2009. Amended: Filed Dec. 16, 2013, effective June 30, 2014. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment is estimated to cost private entities thirty thousand dollars (\$30,000) in the time the emergency is effective.*



**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13–Department of Social Services  
**Division Title:** Division 35–Children’s Division  
**Chapter Title:** Chapter 71–Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Title:</b>	13 CSR 35-71.045 Personnel
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by the adoption of the rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
60	Licensed Residential Agencies	$\$1,000 \times 60 \text{ agencies} = \$60,000.00 / 2 = \$30,000.00$ for six months

**III. WORKSHEET**

Average of 1 employees x \$1,000 for hiring and training cost = \$1,000 average per residential agency for 60 agencies equals = \$60,000.00 divided by 2 for a total costs of \$30,000.00 for 6 months.

**IV. ASSUMPTIONS**

This new regulation contains new exclusionary criteria for residential agency employment in HB 557 and 560, residential agencies will have to terminate an estimated 1 employees per agency. An estimate of \$1,000 per employee for job posting, hiring, orientation and training cost for new staff.

This estimate is based on an average of 1 employees per agency and an estimated cost to hire and train new employees.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 71—Rules for Residential Treatment Agencies**  
**for Children and Youth**

**EMERGENCY RULE**

**13 CSR 35-71.300 Notification Requirements for License-Exempt Residential Care Facilities**

*PURPOSE: This emergency rule implements the notification requirements for License-Exempt Residential Care facilities in Missouri as required by sections 210.1250 through 210.1286, RSMo, as enacted into law in House Bill 557 (2021).*

*EMERGENCY STATEMENT: This regulation implements the requirements of the Residential Care Facility Notification Act, Sections 210.1250 to 210.1286 RSMo, which was enacted into law in HB 557 (2021). The Act requires License-Exempt Residential Care Facilities (LERCF) and Licensed Residential Care Facilities (LRCF) to notify the Department of Social Services of their operations in Missouri within three (3) months of the effective date of the Act. The Act became law on July 14, 2021; therefore, these residential care facilities have until October 12, 2021, to comply with the notification requirements of the Act. This is a new law, and there are no regulations which provide guidance and instructions to these facilities so that they can comply with the requirements of the Act. The Act requires the Department of Social Services to promulgate regulations to implement the requirements of the Act. Section 210.1286 RSMo. Promulgation of an emergency regulation is the only way to ensure that the necessary regulations are in place to enable the Department and impacted agencies to comply with the Act. HB 557 (2021) included an emergency clause which declared HB 557 to be an emergency act within the meaning of the **Missouri Constitution** because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, welfare, peace and safety. The implementation of the notification requirements of the Act will immediately enable the Department to process the notifications from these facilities and maintain a list of LERCFs and LRCFs operating in Missouri in compliance with the emergency declared in HB 557 (2021). Compiling and maintaining this information is a critical component of Missouri's child protection system in that it will help ensure that personnel of residential care facilities comply with the new criminal background check requirements of section 210.493, RSMo, which was included in HB 557 (2021), and it will help the Department in conducting its responsibilities of administering Missouri's Child Welfare System. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The Department of Social Services believes that this emergency rule is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency rule on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed rule, which covers this same material, is published in this issue of the **Missouri Register**. This emergency rule was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.*

(1) Definitions. For the purpose of this regulation, unless otherwise specified in this subsection or unless the context clearly requires otherwise, the definitions of terms specified in sections 210.110,

210.481, 210.1253, RSMo and 13 CSR 35-71.010 and 35-71.015 shall apply to this regulation. The singular includes the plural and plural includes the singular. In addition, the following terms are defined as follows:

(A) "Residential Care Facility Notification Act" or "RCFNA" refers to sections 210.1250 through 210.1286, RSMo.

(2) Designation of Authority. The Department of Social Services hereby designates the Children's Division of the Department of Social Services to be the division within the Department of Social Services to administer background checks as required by section 210.493 RSMo., 13 CSR 35-71.015 and the RCFNA.

(3) Application and Purpose of this Regulation. This regulation implements the requirements of the RCFNA. It applies to License-Exempt Residential Care Facilities (LERCFs).

(4) All LERCFs shall notify the division of their operation within Missouri before they accept any children as provided in this regulation and the RCFNA. LERCFs operating in Missouri and providing Residential Care Facility services to children on July 14, 2021, shall register with the division no later than Tuesday, October 12, 2021.

(5) Notification Procedures.

(A) To notify with the division, the director of the LERCF, or his or her designee, shall file a notification using the division's online portal, or as may be otherwise provided in this regulation.

1. The online notification form, instructions and filing the notification are incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65103, at its website at <https://www.dss.mo.gov/provider-services/children/residential-program/license-exempt.htm>, September 17, 2021. This rule does not incorporate any subsequent amendments or additions. The LERCF shall submit the completed notification form and upload any supporting or supplemental forms and documentation through this online portal. The LERCF shall attach all documentation that may be necessary to complete the required notification and upload the documentation with the notification form.

2. The LERCF may apply to the division for permission to file the notification and supporting documentation by mail or private delivery services rather than through the on-line portal when there are unusual, compelling, and extenuating circumstances which make filing the notification through the on-line portal impossible. The LERCF shall apply for permission to file the notification form, supporting or supplemental materials with the division in writing, and shall explain the circumstances why the LERCF cannot submit the notification through the on-line portal. A copy of the notification form for use in submitting notification by mail is incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65103, at its website <https://www.dss.mo.gov/provider-services/children/residential-program/license-exempt.htm>, October 1, 2021. LERCFs may download a copy of the form. The LERCF shall attach all documentation that may be necessary to complete the required notification. If the division grants permission under this subsection the LERCF may submit the form with supporting materials by mail, by private delivery service or in person to the offices of the division at Residential Program Unit, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, Missouri 65102; or by e-mail at [CD.NotifyRPU@dss.mo.gov](mailto:CD.NotifyRPU@dss.mo.gov).

(B) The notification form shall be signed by the director of the LERCF, or his or her designee, attesting that the information contained in the notice and the supplemental materials are true, accurate, complete, and subject to penalties of perjury. The division will accept e-signatures.

(C) The notification form shall designate the individual within the

LERCF to be the point of contact between the LERCF and division. The point of contact between the division and the LERCF shall be the director unless otherwise specified by the LERCF. The notification form shall further indicate whether the LERCF prefers to receive communications by mail through the United States Postal Services or electronically by e-mail.

(D) The notification shall contain the information required in this subsection and otherwise in this regulation.

1. The LERCF shall list its full name, street address, mailing addresses, e-mail address, and phone number. The mailing address and e-mail addresses shall be the addresses of record of the LERCF and all official correspondence to the LERCF will be sent to the mailing or e-mail address on record.

2. The LERCF shall identify the name of the director, owner, operator, all staff members, volunteers, and any individual eighteen years of age or older who resides at or on the property of the LERCF. The LERCF shall provide the name, street address, physical and electronic mailing addresses, and phone number of the director or director's designee who will serve as the point of contact between the division and the LERCF.

3. The LERCF shall provide a full description of the agency or organization operating the LERCF, including a statement as to whether the agency or organization is incorporated.

A. The description of the agency or organization shall specify the type of agency or organization.

B. If the agency or organization is incorporated then the LERCF shall provide the state in which the LERCF was incorporated in and the corporate name of the LERCF.

4. The LERCF shall identify the name and address of the sponsoring organization of the residential care facility, if applicable.

5. The LERCF shall identify the school or schools attended by the children served by the residential care facility. The LERCF shall list the name and address of each school.

6. Fire and safety inspection certificates.

A. The LERCF shall include with the notification a copy of any and all fire and safety inspection certificates required by law in the jurisdiction where the LERCF operates, and shall indicate the date of the inspection and the date that each certificate expires, if any. If the LERCF operates in more than one county or local jurisdiction then the LERCF shall submit the required certificates for each facility at each location. The LERCF shall indicate the date of the inspection and the date that each certificate expires, if applicable.

B. LERCFs operating in jurisdictions where there are no required fire and safety inspections shall include a statement to that effect in the notification form.

C. If the LERCF is unable, after exercising diligent efforts, and due to no fault of its own, to obtain fire and safety inspection certificates in jurisdictions where such certificates are required by state law or local ordinance, then the LERCF shall submit a statement describing the efforts made to obtain the certificate(s) and the reason why the LERCF was unable to obtain the certificate. The LERCF shall attach copies of any correspondence from any state, county, or local jurisdictions declining to conduct the inspection when available.

7. Local health department inspection certificates.

A. The LERCF shall include with the notification a copy of any and all state or local health department inspection certificates required in the jurisdiction in which the facility operates. If the LERCF operates in more than one county or local jurisdiction, then the LERCF shall obtain the required certificates for each facility at each location. The LERCF shall indicate the date of the inspection and the date that each certificate expires, if any.

B. LERCFs operating in jurisdictions where there are no required local or county government health department inspections shall include a statement to that effect in the notification form.

C. If the LERCF is unable, after exercising diligent efforts, and due to no fault of its own, to obtain any required local health department inspection certificates in jurisdictions where such certificates are required by state law or local ordinance, then the LERCF

shall submit a statement describing the efforts made to obtain the certificate(s) and the reason why the LERCF was unable to obtain the certificate. The LERCF shall attach copies of any correspondence from any state, county or local jurisdictions declining to conduct the inspection when available.

8. Proof that medical records are maintained for each child.

A. The division will accept a written attestation, made under oath, subject to penalty of perjury, and executed by the director of the LERCF, that the LERCF actually maintains medical records for each child served by the LERCF according to the written policy of the LERCF, which shall be attached to the attestation.

B. The LERCF shall provide the division access to the facility upon request to inspect the medical records maintained by the LERCF on the children served by the LERCF in order to verify that the medical records are being kept. The division will request access to this information only when the division has reasonable basis to believe that the LERCF is not maintaining records for any child as required by law.

9. Background Check completion/eligibility. The director of the LERCF, or his or her authorized designee, shall certify, under oath subject to the penalties of perjury that all individuals who are required to complete a background check have successfully completed the background checks and have been found eligible for employment or presence at the LERCF pursuant to section 210.493, RSMo and 13 CSR 35-71.015.

A. Phase in period for LERCFs in operation as of July 14, 2021. For all original notifications submitted by LERCFs which were both in operation and had children in its facility as of July 14, 2021, the division will accept a written certification from the director of the LERCF that all individuals who are required to submit to a background check pursuant to section 210.493 RSMo, and 13 CSR 35-71.015 either have completed the background check requirements or will have successfully completed the background check by December 31, 2021. Upon completion of this process the director or the director's designee shall provide written or electronic notice to the division certifying that the background check process for these individuals has been successfully completed. The division may extend this period for up to an additional one hundred twenty (120) days if the LERCF establishes, in writing, that it is unable to successfully complete the process by the deadline.

(E) When the division is satisfied that the LERCF has complied with all of the requirements for notification, the division will issue a letter to the LERCF:

1. Confirming the receipt of the completed Notification;

2. Informing the LERCF that the records of the division reflect that the LERCF has successfully completed all of the notification process as of the date of the letter, that the LERCF may accept children pursuant to section 210.1259, RSMo, and that the division will include the LERCF on the list of LERCFs as specified in section 210.1280, RSMo, and section (9) of this regulation; and

3. Notifying the LERCF of the deadlines for submitting any supplemental notifications as provided in subsection (5)(F).

(F) Duty to Supplement. The LERCF shall have a continuing duty to submit a supplemental notification within fifteen (15) calendar days if or when:

1. The LERCF terminates its operations in Missouri;

2. The LERCF has any change in its physical address, mailing address, or e-mail address, or other address on record; or

3. There is a change in the name, mailing address, e-mail address, or other contact information for the director of the LERCF or designated point-of-contact of the LERCF.

4. The supplemental notification form shall be signed by the director of the LERCF or his or her designee attesting that the information contained in the form and the supplemental materials are true, accurate and complete, and subject to penalties of perjury. The division will accept e-signatures.

(6) Nothing in this regulation shall give the division jurisdiction or

authority to regulate or attempt to regulate, control, or influence the form, manner, or content of the religious curriculum, program, or ministry of the LERCF.

(7) When the department or the division is advised or has reason to believe that any LERCF is operating without proper notification in accordance with the RCFNA and the division's implementing regulations, the division shall give the director of the LERCF written notice by certified mail that the director shall file notification in accordance with the RCFNA and the division's implementing regulations, or the department may request a court injunction as provided under section 210.1271 RSMo or take other action as may be authorized by law. The division shall send its written notice to the address of record of the LERCF when an address has been provided.

(A) The division may extend the time for the LERCF to comply with the notification requirements for up to sixty (60) days upon request of the LERCF and a showing by the LERCF that the LERCF has reasonable cause for the delay in completing the notification requirements and that the health and safety of the children will not be at risk.

(B) The division may further condition an extension of time upon the LERCF submitting a time limited, corrective action plan to complete the notification requirements that is mutually satisfactory to the LERCF and the division.

#### (8) Administrative Review and Judicial Review.

(A) Any LERCF which is aggrieved by a decision of the department or division under this regulation may file a request for administrative review of the decision within fourteen (14) days of the mailing of the decision as provided in this regulation.

##### (B) Administrative Review.

1. A request for administrative review shall be made in writing, either on a form provided by the division or by letter or submitted electronically by e-mail to the division to the e-mail address specified in the division's decision. The request for administrative review shall include the following information:

A. The name, address, telephone number, and e-mail address of the LERCF making the request for administrative review;

B. Specify whether the LERCF is requesting a response and notice of final decision by first class mail or by e-mail;

C. Identify the division's decision to be reviewed, and why the LERCF is aggrieved by the decision;

D. The LERCF shall include copies of any relevant documents, materials or information that the LERCF wishes to submit in support of the request for administrative review; and

E. Specify whether or not the LERCF requests that the review be considered on the basis of the materials submitted, or whether the LERCF requests an in-person review conference. If the LERCF requests an in-person review conference then the LERCF shall also provide dates and times within the next thirty (30) days when the LERCF will be available and the reasons why the administrative review cannot be processed on the basis of the materials presented.

2. The LERCF may be represented by legal counsel.

3. The administrative review shall be conducted and decided based upon the written materials submitted to the division and any information and materials presented at an in-person review conference. If the LERCF establishes that there is a good reason to hold an in-person review conference then the division will hold an in-person review conference.

4. The in-person review conference may take place by telephone conference call, video conference, or in-person review conference at a date and time during regular working hours that are mutually convenient to the division and the LERCF requesting the conference.

5. The administrative review process and in-person review conference shall be informal. The rules of evidence shall not apply. There is no right to conduct discovery. There shall be no right to compel the production of witnesses or evidence by subpoena or otherwise.

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6. The administrative review shall be conducted by an individual designated by the director of the department or division, who may be an employee of the division or the department. However, the individual shall not have been involved in making the decision which is subject to review.

7. The individual conducting the administrative review shall conduct the administrative review and render a written decision no later than thirty (30) days from the date that the division received the request for administrative review.

8. The decision upon administrative review shall be the final decision of the department.

(9) The division will maintain a list of all LERCFs which are in compliance with the requirements of sections 210.1250- 210.1286, RSMo and this regulation:

(A) The list shall include the following information:

1. The name, physical address and mailing address of the LERCF;

2. The name of the director of the LERCF; and

3. Whether the LERCF has submitted any fire and safety, or health department certificates with the notification.

(B) The division will provide a copy of the list to anyone who asks, upon request submitted to the Children's Division, Residential Program Unit, 205 Jefferson Street, PO Box 88, Jefferson City, Missouri 65102; or by e-mail at CD.NotifyRPU@dss.mo.gov.

(C) The director of any LERCF may submit written request to correct any errors in the list or to supplement the list with updated information.

(D) The division will update the list when errors or updates are brought to its attention. Except in cases where there is a scrivener's error, the division will provide notice and an opportunity to object making any changes about the LERCF on the list. The LERCF may seek administrative review of any changes in the list following the procedures specified in this regulation.

**AUTHORITY:** sections 207.020 and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. Emergency rule filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**PUBLIC COST:** This emergency rule is estimated to cost state agencies or political subdivisions two hundred eighty-three thousand nine hundred seventy-four dollars (\$283,974) in the time the emergency is effective.

**PRIVATE COST:** This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 13—Department of Social Services  
**Division Title:** Division 35—Children’s Division  
**Chapter Title:** Chapter 71—Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Name:</b>	13 CSR 35-71.300 Notification Requirements for License-Exempt Residential Care Facilities
<b>Type of Rulemaking:</b>	Emergency Rule

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Cost of Compliance in the Aggregate</b>
Department of Social Services	The cost is estimated to be \$283,974 for the first six months.
Department of Public Safety	\$0
Department of Health and Senior Services	\$0

**III. WORKSHEET**

This rule will require 5 FTE.

Cost breakout	
Salaries	\$118,908
Fringe	\$ 74,502
Equipment and Expense (including a safe portal for submission)	<u>\$ 90,564</u>
<b>TOTAL</b>	<b>\$283,974</b>

**IV. ASSUMPTIONS**

DSS assumes that license-exempt residential care facilities are already compliant with local ordinances and requirements specific to inspections provided by the Department of Public Safety and the Department of Health and Senior Services.

It remains unknown how many license exempt residential care facilities currently exist in Missouri to date; however, DSS based fiscal impact estimates utilizing the assumption that there are 100 license exempt agencies currently operating in the state.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 73—Child Placing Agencies**

**EMERGENCY AMENDMENT**

**13 CSR 35-73.010 Scope and Definitions.** The division is amending the title of the rule, moving sections (1)-(44) into subsections under a new section (2), and is adding a new section (1).

*PURPOSE:* The emergency amendment to this rule establishes the general principles governing the implementation and interpretation of the regulations in this Chapter 73. The amendment to this rule also updates the definitions of words and phrases utilized in Chapter 73 and updates the title.

*EMERGENCY STATEMENT:* Section 210.493, RSMo, of HB 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of Licensed Residential Care Facilities (LRCF), License-Exempt Residential Care Facilities (LERCFs) and Licensed Child Placing Agencies (CPAs). The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual's criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the *Missouri Constitution* because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, welfare, peace and safety. The implementation of the background checks required in this regulation will immediately enable the Department to conduct background checks and to determine whether individuals are eligible for employment or presence at these institutions. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the regulations governing licensed Child Placing Agencies and Residential Care Facilities in Missouri. This includes the requirements for conducting the required Background Checks required in §210.493 RSMo. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri and United States Constitutions*. The Department of Social Services believes that this emergency amendment is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency amendment on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed amendment, which covers this same material, is published in this issue of the *Missouri Register*. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.

(1) The following principles shall apply to all decisions made pursuant to this chapter:

(A) The safety and welfare of children is paramount;

(B) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis;

(C) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;

(D) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with federal and state standards;

(E) Resources and efforts of the division and Child Placing Agencies shall be committed to pursue the best possible opportunity for a successful outcome for each child. In the case of children and youth who are in the foster care system, successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four-hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child's needs as well as the quality of care received; and

(F) All licensed service providers shall prioritize methods of reducing or eliminating a child's need for residential treatment through community-based services and supports.

(2) Unless the context clearly requires otherwise, the definitions of terms specified in sections 210.110, 210.481 and 210.1253 RSMo. and 13 CSR 35-71.010 and 13 CSR 35-71.015 shall apply to all regulations in this chapter (13 CSR 35-73). The singular includes the plural and the plural includes the singular. In addition, the following terms are defined as:

[(1)](A) "Adoption" means the act of receiving a child into one's family by choice and acquiring a parent-child relationship by legal process.

[(2)](B) "Adoption agency" means a licensed public or private organization whose purpose or parts of its purpose is to provide adoption services to children, adoptees, adoptive applicants, and birth and/or adoptive parents.

[(3)](C) "Adoption services" means the provision of pre-placement or foster care services to birth and/or adoptive parents, the completion of birth parent, social and medical histories, the completion of adoptive family assessments, post-placement services to birth and/or adoptive parents, post-adoption services to birth and/or adoptive parents, or other related activities, including those requested by courts and other adoption agencies and organizations.

[(4)](D) "Adoptive applicant" means a prospective adoptive parent who has applied to adopt a child but who has not yet received a child for adoptive placement. It also includes an adoptive parent who has adopted one (1) or more children and who is requesting to adopt another child.

[(5)](E) "Adoptive parent" means a person with whom a child has been placed for adoption or who has adopted one (1) or more children.

[(6)](F) "Alternative care" means care provided a child in a foster home, a group home, residential treatment agency, child care institution, or any combination thereof.

(G) "Background Check" means the background check required by section 210.493 RSMo and 13 CSR 35-71.015.

[(7)](H) "Birth parent(s)" means the biological father and/or mother of a child.

[(8)](I) "Child" means any person under eighteen (18) years of age.

[(9)](J) "Child placing agency" means any person or organization, other than the parents, who places a child outside the home of the child's parents or guardian, or advertises or holds him/herself forth as performing such services, but excluding the attorney, physician, or clergyman of the parents per section 453.014(4), RSMo.

[(10)](K) "Confidentiality" means complying with all federal and state laws governing the confidentiality of [the act of holding in trust] both identifying and non-identifying information about clients, families and other individuals receiving services from a

licensed child placing agency.

[(11)](L) "Custody" means the right of care and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, and discipline for a child. Temporary custody of a child may be granted for a limited time only, usually pending further action or review by the court.

[(12)](M) "Director" means the director of the Children's Division.

[(13)](N) "Division" means the Children's Division of the Department of Social Services.

[(14)](O) "Facility" is any building of a licensed agency in which children reside.

[(15)](P) "Family Assessment" means a formal evaluation of the capacity and readiness of foster parent or adoptive applicants to receive a child, which includes a written report and recommendation.

[(16)](Q) "Finalization" means the issuance of a court order by an appropriate court which declares the child to be the child of adoptive petitioners as though born to them with full rights of inheritance.

[(17)](R) "Foster care" see alternative care.

[(18)](S) "Foster Home" means a private residence of one (1) or more family members providing twenty-four (24) hour care to one (1) or more, but less than six (6) children who are unattended by parent or guardian and who are unrelated to either foster parent by blood, marriage, or adoption.

[(19)](T) "Foster parent" means a person of age twenty-one (21) or older who is licensed to provide twenty-four (24) hour care to one (1) or more, but less six (6), children who are unattended by parent or guardian, and who is unrelated to the child(ren) by blood, marriage, or adoption.

[(20)](U) "Governing body" means the legal entity with ultimate authority and responsibility for the agency's overall operation.

[(21)](V) "Home study" see family assessment.

[(22)](W) "ICAMA" means the Interstate Compact on Adoption and Medical Assistance (ICAMA). A contract enacted into law among twenty-eight (28) states (as of May 1994) whereby medical assistance (Medicaid) may be granted to an adopted child in the state where the child lives, based upon certain criteria, one (1) of which is the provision of adoption subsidy through an agreement between an agency and the adoptive parents.

[(23)](X) "ICPC" means the Interstate Compact on the Placement of Children (ICPC). A contract enacted into law among the fifty (50) states, the District of Columbia, and the Virgin Islands whereby approval must be obtained from the receiving state ICPC office prior to the placement of a child across state lines for the purpose of adoption or certain other types of placement.

[(24)](Y) "ICWA" means the Indian Child Welfare Act (ICWA).

[(25)](Z) "Immediate family" means a person related within the third degree of blood, marriage or adoption; parent, grandparent, brother, sister, half brothers, half sisters, stepparent, stepbrothers, step-sisters, uncle, aunt or first cousin.

[(26)](AA) "Independent adoption" means the placement of a child with a prospective adoptive parent by a birth parent or some other person, acting as allowed by state law, as an intermediary. Also referred to as a private, identified or designated adoption.

[(27)](BB) "International adoption" means the adoption of a child from a country other than the United States or of a child who is not a United States citizen by birth or naturalization.

[(28)](CC) "Legal father" is the husband of a natural mother at the time the child was conceived.

[(29)](DD) ["License" means the document issued by the division in accordance with the applicable provisions of sections 210.481 to 210.536, RSMo (Supp. 1995) to a foster home, residential care facility, or child placing agency which authorizes the foster home, residential care facility, or child placing agency to operate its program in accordance with the applicable provisions of sections 210.481 to 210.536, RSMo (Supp. 1995) and rules issued pursuant thereto. (30)] "MEPA" means Multi-Ethnic Placement Act (MEPA), Public Law

103-382 (1994) as amended.

[(31)](EE) "Office" means the place where business is transacted and where the functions of an agency are performed.

[(32)](FF) "Operating capital" means sufficient assets on hand to cover the initial start-up expenses for the initial period of licensure.

[(33)](GG) "Permanency plan" means moving children to permanent homes, birth or adoptive, in a purposeful and timely manner.

[(34)](HH) "Placement services" means any and all services offered to prospective adoptive children and families, ranging from selection of a particular family for a particular child through the physical arrival of the child in the adoptive home.

[(35)](II) "Post-legal adoption services" means any and all services offered to any party involved in an adoption after the adoption is granted or finalized by the appropriate court.

[(36)](JJ) "Post-placement services" means any and all services offered to any member of an adoptive family from the placement of the child to finalization of the adoption.

[(37)](KK) "Power of attorney" means an instrument authorizing another to act as one's agent or attorney.

[(38)](LL) "Pre-placement services" means any and all services offered to birth parent(s) and child(ren) to evaluate and prepare them for an adoptive placement.

[(39)](MM) "Private adoption" see independent adoption.

[(40)](NN) "Private agency adoption" means the services offered by a licensed agency in placing a child for adoption.

[(41)](OO) "Public agency adoption" means the services offered by a state public child welfare agency in placing a child for adoption.

[(42)](PP) "Social worker" means a professional person who possesses the qualifications and appropriate licensure to work directly with children, adoptees, birth and/or adoptive parents and other relevant individuals. If the person is a contracted person of a licensed child placing agency, such person must possess a valid license from the Division of Professional Registration and must, at a minimum, possess either a Bachelor's Degree or a Master's Degree in Social Work from an accredited institution.

[(43)](QQ) "Subsidy/adoption assistance" means the provision of financial assistance to adoptive families who are adopting a child with special needs as defined in state and federal law.

[(44)](RR) "Termination of parental rights" (TPR) means a legal action which severs the parent-child relationship and allows the child to be adopted.

*AUTHORITY sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-73.010. Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 35—Children's Division  
Chapter 73—Child Placing Agencies**

**EMERGENCY AMENDMENT**

**13 CSR 35-73.012 Basis for Licensure and Licensing Procedures.** The division is amending sections (2)-(4), and (6), and deleting the

proceeding forms as they are being incorporated by reference.

**PURPOSE:** *The purpose of the emergency amendment to this rule is to update the procedures for applying for a license to operate a Child Placing Agency in Missouri, and to ensure that the regulations are in compliance with the new requirements of HB 557 (2021).*

**EMERGENCY STATEMENT:** *Section 210.493, RSMo, of House Bill (HB) 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of Licensed Residential Care Facilities (LRCF), License-Exempt Residential Care Facilities (LERCFs) and Licensed Child Placing Agencies (CPAs). The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual's criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the Missouri Constitution because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, welfare, peace and safety. The implementation of the background checks required in this regulation will immediately enable the Department to conduct background checks and to determine whether individuals are eligible for employment or presence at these institutions. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the regulations governing licensed Child Placing Agencies and Residential Care Facilities in Missouri. This includes the requirements for conducting the required Background Checks required in §210.493 RSMo. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The Department of Social Services believes that this emergency amendment is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency amendment on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed amendment, which covers this same material, is published in this issue of the Missouri Register. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.*

(2) Application for Licensure.

(A) *[The application for license shall be completed by the officers of the governing board of the child placing agency, or its authorized representative, on a form prescribed and furnished by the division and shall be forwarded to the division.] To apply for a license to operate a Child Placing Agency Missouri the individual legally authorized to act on behalf of the Child Placing Agency shall file an application with the division on forms provided by the division.*

1. The application forms are published on the division's website, and are incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65103, and on the web at

<https://www.dss.mo.gov/provider-services/children/residential-program/child-placing.htm>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. The Child Placing Agency shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The Child Placing Agency shall submit the form with supplementary materials to the division by e-mail at the following e-mail address [CD.CHILDPLACINGAPPS@dss.mo.gov](mailto:CD.CHILDPLACINGAPPS@dss.mo.gov).

2. The application form shall be signed by the legally authorized representative of the Child Placing Agency. The division will accept electronic signatures (e-signatures).

3. The Child Placing Agency may apply to the division for permission to submit its application and supporting documentation by mail or private delivery services rather than e-mail when there are unusual, compelling and extenuating circumstances which make submission by e-mail impossible. The Child Placing Agency shall apply for permission to file the materials with the division in writing, and shall explain the circumstances why it cannot submit the materials by e-mail. The Child Placing Agency shall attach all documentation that may be necessary to complete the required notification. If the division grants permission under this subsection the LERCF may submit the form with supporting materials by mail, by private delivery service or in person to the offices of the division at Residential Program Unit, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, Missouri 65102; or by e-mail to [CD.CHILDPLACINGAPPS@dss.mo.gov](mailto:CD.CHILDPLACINGAPPS@dss.mo.gov).

(B) An agency shall submit the following documents to the division along with the application:

1. Documentation of the legal basis for operation;
2. A certified copy of the current Articles of Incorporation;
3. A copy of the current by-laws;
4. A list of the names and addresses of the current members of the governing board and a notarized letter of acceptance from each;
5. A completed personnel report on a form prescribed by the division;
6. Verification of the education, experience, and character of the administrator, all professional staff, and all contracted personnel;
7. Verification of a physical examination for all staff working directly with children, completed by a licensed physician or a registered nurse who is under the supervision of a licensed physician;
8. *[Results of a check of the Child Abuse and Neglect Central Registry Unit (CA/N CRU) for all staff and volunteers]* Certification that all individuals who are required to complete a Background Check are eligible for employment or presence at the Child Placing Agency as required in §210.493 RSMo and 13 CSR 35-71.015 ;

*[9. A criminal records check for each employee from a state law enforcement agency;]*

*[10.]9. A chart depicting the agency's organizational structure and lines of supervision;*

*[11.]10. A proposed budget for a period of not less than twelve (12) months duration which shows both anticipated expenses and income for the period;*

*[12.]11. An itemized schedule of all fees to be assessed to applicants;*

*[13.]12. Verification of availability of not less than ninety (90) days operating capital;*

*[14.]13. A copy of the Civil Rights Agreement signed by the president of the governing board or the agency director;*

*[15.]14. An outline of the agency's proposed program and the specific geographic area to be served (this shall be directly related to the number of staff and the geographic area to which it can actually provide services);*

*[16.]15. A projected staffing plan for the anticipated capacity and programming of the agency;*

*[17.]16. A written statement clearly setting forth the authority and responsibilities delegated to a director, administrator, or supervisor, if other than the owner. When the responsibility for the operation of an agency rests with the governing board, that governing*



board shall establish written policies and procedures which clearly establish the lines of responsibility governing the operation of the agency. These shall include a statement of the kind and extent of authority delegated to the director employed to carry out the program;

[18./17. A written description of intake policies which delineates the types of services to be provided, specific programs offered, and the methods of care and treatment to be provided;

[19./18. Job title, job description, and minimum qualifications for all staff;

[20./19. Written child abuse and neglect reporting policy;

[21./20. Written personnel practices, including staff training and orientation;

[22./21. Written discipline policy for children in care;

[23./22. Written visitation policy for children in care;

[24./23. Written health care policy for children in care which shall include preventive, medical, eye, hearing, and dental care;

[25./24. A written statement of any religious practices or religious restrictions;

[26./25. A written plan for all foster parent training; and

[27./26. Proof of professional and commercial general liability insurance.

(C) **The application shall be complete when the Child Placing Agency has submitted and the division has received a fully completed application form and all necessary supporting documentation.**

(D) A new application shall be filed—

1. If the agency fails to follow through with completing the requirements for licensure within six (6) months of initial application;

2. When an application for licensure has been withdrawn, and the agency seeks to reapply;

3. When there is a change of ownership or corporate status of the agency;

4. When the division has revoked or refused to renew a license, and a new license is sought; *[and] or*

5. When a license or application has been voluntarily surrendered or withdrawn by the applicant.

(3) Licensing Assessment.

(A) **After the application is complete the division will conduct a thorough assessment of the agency [shall be made by the division],** including a review of the documents required in this rule and visits to the agency to determine compliance with the licensing law and applicable rules.

(B) If an applicant for licensure is determined not to be in compliance with the licensing law and applicable rules, and if compliance is not achieved within a six- (6-) month period, a new Application for Licensure must be filed if the agency desires to pursue licensure.

(4) The License.

(A) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for an initial six- (6-) month probationary term.

(B) Following the probationary period, upon determination of continued compliance with Missouri statutes and applicable licensing rules, the director shall extend the term of the license for a period not to exceed two (2) years.

(C) The license shall be posted in a conspicuous place on the premises of the facility.

(D) The license shall reference specific category of service(s) the agency is authorized to provide.

(E) The license shall not be transferable and applies only to the agency to whom it is issued.

(6) Licensing Renewal.

*[(A) Application forms for renewal of licensure shall be mailed to the child placing agency by the division at least*

*sixty (60) days prior to the expiration of the license.]*

*[(B)](A) The Child Placing [a]Agency shall complete and return the application to the division [thirty (30)] sixty (60) days prior to the expiration of the current license. The Child Placing Agency shall utilize the forms indicated in paragraph (2)(A)1. of this regulation to initiate the license renewal process. The Child Placing Agency shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The Child Placing Agencies shall submit the form with supplementary materials by e-mail to the division to the following e-mail address: CD.CHILDPLACINGAPPS@dss.mo.gov. The application form shall be signed by the Director of the Child Placing Agency or the Director's authorized designee. The division will accept electronic signatures.*

*[(C)](B) The division shall initiate action on the completed application prior to the expiration of the existing licensure period.*

*[(D)](C) When an agency has made timely and sufficient application for renewal of a license, and the division fails to render a decision on the application for renewal of the license prior to the expiration date on the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final decision of the division has been made. The division may further extend the period in which such decision must be made in individual cases for up to thirty (30) additional days, if good cause is shown.*

*[(E)](D) In addition to the completed renewal application, the Child Placing Agency shall [following documents shall be] submit[ted] the following documentation with the application:*

1. Verification of a biennial physical examination, completed by a licensed physician, registered nurse who is under the supervision of a licensed physician, or an advanced practice nurse in a collaborative agreement with a licensed physician for all staff working directly with children (see 13 CSR 35-73.030(3)(A));

2. A current governing board roster, with officers identified, including the addresses and a notarized letter of acceptance from each member;

3. A summary of any significant changes to programs and copies of any resulting policies or policy changes;

4. A copy of the current organizational chart;

5. A completed personnel report on a form prescribed by the division;

6. **Certification that all individuals who are required to submit to a Background Check have completed their Background Checks and have been found eligible by the division for employment or presence at the Child Placing Agency as provided in §210.493 and 13 CSR 35-71.015**

7. Results of an annual check of the Child Abuse and Neglect CRU for all staff, contracted personnel, and volunteers working with children;

[7./8. Results of the annual criminal records check for all staff, contracted personnel, and volunteers working with children;

[8./9. A copy of a biennial financial audit and evaluation of the financial soundness of the operation conducted by a certified public accountant not employed by the agency;

[9./10. A copy of the budget for the current calendar or fiscal year;

[10./11. A statistical report on a form supplied by the division;

[11./12. A list of the names and addresses of all current foster homes licensed by the agency;

[12./13. An annual written plan for all foster parent training;

[13./14. A written plan indicating how the agency will provide for the transfer of records on both open and closed cases in the event the agency closes;

[14./15. An annual program evaluation;

[15./16. An itemized schedule of all fees to be assessed to applicants; and

[16./17. Copies of all written agreements (contracts) for the adoption process.

*[(F)](E) When an agency has made timely and sufficient*

application for renewal of a license, and the division fails to render a decision on the application for renewal of the license prior to the expiration date on the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final decision of the division has been made. The division may further extend the period in which such decision must be made in individual cases for up to thirty (30) additional days, if good cause is shown.

(F) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for a period not to exceed two (2) years.

**AUTHORITY:** sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-73.012. Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.012 and amended: Filed Aug. 20, 2018, effective April 30, 2019. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**PUBLIC COST:** This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

**PRIVATE COST:** This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES** **Division 35—Children's Division** **Chapter 73—Child Placing Agencies** **EMERGENCY AMENDMENT**

**13 CSR 35-73.017 Hearings and Judicial Review.** The division is amending section (1).

**PURPOSE:** This emergency amendment is to ensure that the rule is updated to reflect the needs of current practice and to ensure that the rules are consistent with the requirements of HB 557 (2021).

**EMERGENCY STATEMENT:** Section 210.493, RSMo, of House Bill (HB) 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of Licensed Residential Care Facilities (LRCF), License-Exempt Residential Care Facilities (LERCFs) and Licensed Child Placing Agencies (CPAs). The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual's criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the *Missouri Constitution* because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, welfare, peace and safety. The implementation of the background checks required in this regulation will immediately enable the Department to conduct background checks and to determine whether individuals are eligible for employment or presence at these institutions. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the

regulations governing licensed Child Placing Agencies and Residential Care Facilities in Missouri. This includes the requirements for conducting the required background checks required in section 210.493, RSMo. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri and United States Constitutions*. The Department of Social Services believes that this emergency amendment is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency amendment on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed amendment, which covers this same material, is published in this issue of the *Missouri Register*. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.

#### **(1) License Denial, or Revocation.**

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who—

1. Fails consistently to comply with the applicable provisions of sections 210.481–210.536, and Chapter 453, RSMo if licensed as an adoption agency, and the applicable corresponding rules;

2. Violates any of the provisions of its license;

3. Violates state laws or rules relating to the protection of children;

4. **Abuses or neglects children, or** */P/*permits the abuse or neglect of children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a finding of probable cause to suspect child abuse or neglect and fails to take corrective action acceptable to the division to ensure the safety of children;

5. Employs persons who **the division has found ineligible for employment or presence at the Child Placing Agency pursuant to section 210.493 and 13 CSR 35-71.015, or who** abuse or neglect children, or are the subjects of multiple or */serious/* reports of child abuse or neglect which upon investigation results in a finding of *[probable cause to suspect]* **preponderance of the evidence that the individual is responsible for** child abuse or neglect and the agency fails to take corrective action acceptable to the division to ensure the safety of children;

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or to make available to the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule or ordinance applicable to the location of a facility; or

10. Fails to provide adequate financial resources for the satisfactory care of children being served.

**AUTHORITY:** sections [210.481-210.536, RSMo (1994) and (Cum. Supp. 1996)] 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-73.017. Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.017, effective June 30, 2018. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

*PUBLIC COST: This emergency amendment is estimated to cost state agencies or political subdivisions three hundred fifty-eight thousand ninety-four dollars (\$358,094) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** 13-Social Services  
**Division Title:** 35-Children's Division  
**Chapter Title:** 73-Child Placing Agencies

<b>Rule Number and Name:</b>	13 CSR 35-73.017 Hearing and Judicial Review
<b>Type of Rulemaking:</b>	Emergency Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Cost of Compliance in the Aggregate</b>
<b>DSS</b>	<b>\$358,094</b>

**III. WORKSHEET**

Implementation of this rule will require 7 staff total.

Cost calculation (6 months)

Salaries	\$178,983
Fringe Benefits	\$108,447
Equipment and Expense	\$ 70,664
<b>Total</b>	<b>\$358,094</b>

**IV. ASSUMPTIONS**

The Division of Legal Services anticipates the need for two litigation attorneys to advise and represent the Children's Division (CD) in child health and safety assessment proceedings; injunctive proceedings to halt operations at residential care facilities; investigative subpoenas, proceedings regarding the removal and placement of children; to defend additional Children's Division findings of child abuse or neglect in the circuit courts; and to advise CD on determinations of eligibility to be present or employed at licensed residential care facilities and child placing agencies and to be present or employed at license-exempt residential care facilities.

The Division of Legal Services further anticipates the need for 1 Hearings Officer and one Special Counsel for hearings regarding eligibility of those to be present or employed at licensed residential care facilities and child placing agencies and to be present or employed at license-exempt residential care facilities.

The Children's Division will require 3 Children's Service Workers to prepare information for hearings.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 35—Children’s Division  
Chapter 73—Child Placing Agencies**

**EMERGENCY AMENDMENT**

**13 CSR 35-73.030 Personnel Practices and Personnel.** The division is amending sections (1), (2), (6), and (7).

*PURPOSE: This emergency amendment implements House Bill 557 (2021) by adding requirements for any individual associated with a child placing agency to successfully complete a background check and an annual Family Care Safety Registry check before the division considers that person eligible for employment at the agency.*

*EMERGENCY STATEMENT: Section 210.493, RSMo, of HB 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of Licensed Residential Care Facilities (LRCF), License-Exempt Residential Care Facilities (LERCFs) and Licensed Child Placing Agencies (CPAs). The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual’s criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the **Missouri Constitution** because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, welfare, peace and safety. The implementation of the background checks and the ability of DSS to deny or revoke a license to operate a child placing agency on that basis as required in this regulation will immediately enable the Department to conduct background checks and to determine whether individuals are eligible for employment or presence at these institutions. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the regulations governing licensed Child Placing Agencies and Residential Care Facilities in Missouri. This includes the requirements for conducting the required background checks required in section 210.493, RSMo. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri and United States Constitutions**. The Department of Social Services believes that this emergency amendment is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency amendment on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed amendment, which covers this same material, is published in this issue of the **Missouri Register**. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.*

(1) Personnel Practices.

(D) The agency shall require that each [employee secure and provide to the agency an annual criminal records check from

a state law enforcement agency/ individual associated with the agency who is required to submit to a background check pursuant to section 210.493, RSMo, 13 CSR 35-71.015, and 13 CSR 35-73.035 successfully complete the background check and be found eligible by the division for employment or presence at the licensed child placing agency.

(2) Child Abuse and Neglect Central Registry Unit (CA/N CRU) Checks.

(A) After the background checks have been completed, [7/the agency shall request from the division an annual check of the **Family Care Safety Registry** and the Child Abuse and Neglect Central Registry Unit to determine whether a child abuse and/or neglect report has been received on staff members, **employees**, contracted personnel, and volunteers working directly with children. [The CRU checks shall be submitted either at the time of employment or within ten (10) days following employment, and annually thereafter.] Results of the checks shall be on file at the agency.

(6) Staff Orientation. Immediately before or following appointment, a staff member shall be oriented to the agency’s programs, practices, and the duties and expectations of his/her position. The orientation program shall include, but not be limited to—

(G) The laws and procedures governing the [C/confidentiality of information and records;

(7) Staff Development.

(E) The training plan shall include, but not be limited to:

1. Developmental needs of children;
2. The direct care and professional staff roles in the facility;
3. Specific requirements of the applicable laws relating to adoption that effect the performance of their duties, as well as local court rules;
4. Trans-racial and cross-cultural placement;
5. Cultural diversity;
6. Separation and attachment issues;
7. Conducting a family assessment; [and]
8. Adoption-related training, if agency provides such service;
- [A.]9. Interstate Compact for the Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA);
- [B.]10. Adoption subsidy;
- [C.]11. International adoptions;
- [D.]12. Adoption search issues;
- [E.]13. Adoption risk issues;
- [F.]14. Post-placement services; and
- [G.]15. Post-legal adoption services.

*AUTHORITY sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-73.030. Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.030 and amended: Filed Aug. 20, 2018, effective April 30, 2019. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is in effect.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is in effect.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 73—Child Placing Agencies**

**EMERGENCY AMENDMENT**

**13 CSR 35-73.035 Staff Qualifications and Requirements.** The division is amending sections (1)-(8).

*PURPOSE: The purpose of this emergency amendment is to ensure that the language of the rule is consistent with current practices, and to incorporate the requirements of House Bill 557 (2021).*

*EMERGENCY STATEMENT: Section 210.493, RSMo, of House Bill (HB) 557 (2021) authorizes the Department of Social Services to promulgate regulations, including emergency regulations, to implement new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of Licensed Residential Care Facilities (LRCF), License-Exempt Residential Care Facilities (LERCFs) and Licensed Child Placing Agencies (CPAs). The background checks are being conducted to help ensure that certain individuals who are associated with these facilities do not have a record of criminal conduct or substantiated incidents of child abuse or neglect which may pose a risk to the children served at these facilities. The background checks will include a finger-print based check of the individual's criminal record, the sexual offender registry, the Family Care Safety Registry, the Central Registry and registries of other states where the individual resided. HB 557 included an emergency clause which declared HB 557 to be an emergency act within the meaning of the Missouri Constitution because immediate action is necessary to protect children, and it was necessary for the immediate preservation of the public health, welfare, peace and safety. The implementation of the background checks and the ability of DSS to deny or revoke a license to operate a child placing agency on that basis as required in this regulation will immediately enable the Department to conduct background checks and to determine whether individuals are eligible for employment or presence at these institutions. This regulation is part of a series of regulations which establish the general principles governing the implantation of all of the regulations governing licensed Child Placing Agencies and Residential Care Facilities in Missouri. This includes the requirements for conducting the required background checks required in section 210.493 RSMo. The Department of Social Services has determined that promulgation of this regulation on an emergency basis is necessary to address the danger to public health, safety and/or welfare of children in Missouri identified by the Missouri General Assembly. The Department of Social Services therefore has a compelling governmental interest to promulgate this section on an emergency basis. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The Department of Social Services believes that this emergency amendment is fair to all interested persons and parties under the circumstances. The Department of Social Services published a draft of this emergency amendment on its website and solicited feedback from the public and stakeholders through e-mail and at public meeting held on August 5, 2021. A proposed amendment, which covers this same material, is published in this issue of the Missouri Register. This emergency amendment was filed September 17, 2021, becomes effective October 1, 2021, and expires March 29, 2022.*

(1) Employee Qualifications. The agency shall employ staff who are qualified by education, training, and experience for their assigned responsibilities. A current employee who has qualified for a position under the previous rule and is serving in that position shall be exempt from meeting any increased requirements defined by these rules. **Each individual associated with the agency who is required to submit to a background check pursuant to section 210.493 RSMo and 13 CSR 35-71.015 must also successfully complete the back-**

**ground check and be found eligible by the division for employment or presence at the licensed child placing agency.**

(2) Administrative Personnel.

(D) The administrator's responsibilities include:

1. Developing, implementing, and maintaining policies and procedures for program and fiscal operation under the direction of the governing board **and maintaining compliance with all applicable requirements of federal and state law, including the background check and eligibility requirements of section 210.493, RSMo and 13 CSR 35-71.015;**

2. Keeping the governing board informed of the program and management of the agency;

3. Interpreting and implementing recognized standards for child welfare services;

4. Ensuring that the agency achieves and maintains compliance with the requirements of the licensing rules;

5. Employing, evaluating and discharging staff members, in accordance with the agency's established personnel policies; and

6. Ensuring the maintenance of current client's records and statistics.

(3) Supervisor of Placement Services.

**(B) Supervisors of placement services are required to submit to background checks and be found eligible by the division for employment or presence at the licensed child placing agency pursuant to section 210.493, RSMo and 13 CSR 35-71.015.**

(4) Professional Personnel.

(B) Professional staff who perform social work tasks, counseling with children and their families, therapeutic services, or planning of services for children and their families, shall have a master's degree in social work, psychology, counseling, or a closely related clinical field from an accredited college **or university**. Professional staff may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if s/he is under the direct supervision of a qualified supervisor of placement services (13 CSR 35-73.035(3)).

**(E) Professional personnel are required to submit to background checks and be found eligible by the division for employment or presence at the licensed child placing agency pursuant to section 210.493, RSMo and 13 CSR 35-71.015.**

(5) Contracted Personnel.

(E) A file shall be maintained for each contracted personnel which includes:

1. A copy of the signed contract;
2. Verification of education and experience;
3. Verification of character references from three (3) persons, unrelated to the staff member;
4. Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;
5. A copy of the job description signed by the contractor;
6. Reports of initial and subsequent biennial physical examinations;
7. Results of annual checks of the Child Abuse and Neglect Central Registry Unit (CA/N CRU) Checks;
8. Copies of an annual performance evaluation;
9. *[Results of the annual criminal records check]*

**Documentation that each individual associated with the agency who is required to submit to a background check pursuant to section 210.493, RSMo and 13 CSR 35-71.015 has successfully completed the background check and is found eligible by the division for employment or presence at the licensed child placing agency; and**

10. Documentation of orientation and annual staff training.

(6) Students and Interns.

(A) **Interns, [G]graduate students, and [or undergraduate]** students in a field work placement at the agency shall be subject to the general personnel policies of the agency, but shall not be considered

or used as substitutes for employed staff. A written plan for using students will include:

1. A plan for the selection, orientation, training, assignment and evaluation of students;
2. A description of what services the student is responsible for and what arrangement the agency has for supervising the students;
3. A signed statement of their understanding of confidentiality;
4. A copy of the written plan shall be given to each student, his/her school, and to the supervising staff members; and
5. A plan for coverage of caseload in student's absence.

**(B) Interns, graduate students, and students are required to submit to background checks and be found eligible by the division for employment or presence at the licensed child placing agency pursuant to section 210.493, RSMo and 13 CSR 35-71.015.**

**(7) Clerical Staff [Shall Be Employed as Needed].**

(A) Clerical staff shall not supervise or assist in the care of children without being qualified according to these rules.

(B) Clerical staff shall sign a statement of their understanding of confidentiality.

**(C) Clerical staff shall submit to background checks and be found eligible by the division for employment or presence at the licensed child placing agency pursuant to section 210.493, RSMo and 13 CSR 35-71.015.**

(8) An agency shall not be wholly dependent upon the use of volunteers to ensure the provision of services. If an agency uses volunteers as part of its program of services, the agency shall have written policies which include:

(G) Procedures for monitoring and evaluating volunteer activities;

(H) Maintaining a file for each volunteer, who works directly with children including applications, verification of CA/N CRU and [criminal records] background checks, and task assignments and annual evaluations;

(I) Procedures for observing professional ethics and confidentiality of records and information;

*AUTHORITY: sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-73.035. Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.035 and amended: Filed Sept. 7, 2018, effective April 30, 2019. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 3—Conditions of Provider Participation,  
Reimbursement, and Procedure of  
General Applicability**

**EMERGENCY RULE**

**13 CSR 70-3.035 Violations Attested to by the Department of Health and Senior Services**

*PURPOSE: This emergency rule adds violations determined by the Department of Health and Senior Services as independent grounds for provider sanctions.*

*EMERGENCY STATEMENT: This emergency rule adds violations determined by the Department of Health and Senior Services (DHSS) as independent grounds for provider sanctions. Based upon recommendations of the Senate Interim Committee on Medicaid Accountability and Taxpayer Protection (Committee), it is imperative that DHSS and the Department of Social Services (DSS) are able to expedite the coordination between agency investigations of providers licensed by DHSS and enrolled as Medicaid (MO HealthNet) providers. These providers provide healthcare services to vulnerable populations making this regulation necessary to protect the health, safety, and welfare of all Missourians who receive healthcare through these licensed facilities. Following three public hearings held July 13, 2021, August 4, 2021, and September 23, 2021, the Committee issued its interim report on September 23, 2021. Per that report, both DSS and DHSS were strongly urged to promulgate such emergency rules as necessary to effectuate the state's compelling interest in ensuring the health, safety, and welfare of all Missourians, in all stages of life, through the provision of safe and quality health care. As a result of this Committee report and Missouri law as set forth in Section 1.205, RSMo, an emergency rule is necessary to carry out the Committee's recommendations. The DSS has a compelling governmental interest to implement the Committee's recommendations to expedite investigations between DHSS and DSS to protect the health, safety, and welfare of all Missourians. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. If an emergency is not enacted, the department would not be in compliance with the Committee's recommendations or Missouri's legal requirements to protect the health, safety, and welfare of all human life from conception to natural death. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Social Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed October 1, 2021, becomes effective October 18, 2021, and expires April 15, 2022.*

Violations of 13 CSR 70-3.030(3) identified by the Department of Health and Senior Services (DHSS) or its designee during the course of an investigation shall be considered for purposes of sanctions without the need for further investigation by the Medicaid Audit and Compliance Unit (MMAC). The DHSS shall report any such violations by sworn affidavit to MMAC. Prior violations of 13 CSR 70-3.030(3) or other program violations, including but not limited to program violations as determined by and attested to by affidavit by the DHSS, shall be considered in their totality to determine if there is an ongoing pattern of violations. Such pattern of violations shall weigh heavily to support invoking severe sanctions.

*AUTHORITY: sections 1.205, 208.153, 208.201, and 660.017, RSMo 2016. Emergency rule filed Oct. 1, 2021, effective Oct. 18, 2021, expires April 15, 2022. A proposed rule covering this same material is published in this issue of the Missouri Register.*

*PUBLIC COST: This emergency rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 1—Controlled Substances**

**EMERGENCY AMENDMENT**

**19 CSR 30-1.002 Schedules of Controlled Substances.** The department is amending section (1).

**PURPOSE:** This emergency amendment updates the Schedules of Controlled Substances to be consistent with 21 CFR Part 1308.

**EMERGENCY STATEMENT:** The United States Department of Justice Drug Enforcement Administration (DEA) continually evaluates substances to determine their clinical application and potential for abuse. Based on their evaluation, the DEA issues scheduling actions to place substances in the appropriate controlled substance schedules. The majority of these scheduling actions consist of temporarily and permanently scheduling newly-discovered illicit substances in Schedule I. Proper scheduling of these substances allow law enforcement to take action to prevent the further distribution of these substances. Scheduling substances in Schedules II-V allows practitioners to be informed about the potential for addiction/abuse of the substances and prescribe the substances appropriately. Section 195.015, RSMo, charges the department with similarly controlling substances as they are controlled under federal law. Section 195.015.4 requires the Department of Health and Senior Services to submit emergency rules to the Secretary of State within thirty (30) days of a federal scheduling action to allow for similar inclusion, rescheduling, or deletion of controlled substances with this schedule. While this time frame is difficult to achieve given the various approvals and reviews needed prior to the Department scheduling any rule with the Secretary of State, the Department still acts to effectuate these scheduling actions as quickly as possible. This emergency amendment includes all federal scheduling actions since the last amendment of this rule in 2020. This emergency amendment is necessary to protect Missouri's governmental interest in keeping its controlled substances schedules up-to-date as much as practically possible in order to protect its citizens and to aid law enforcement in its prosecution of those who illegally distribute these substances. As a result, the Department of Health and Senior Services finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. Subject to section 536.025, this emergency amendment was filed September 28, 2021, becomes effective October 13, 2021, and expires April 10, 2022.

(1) Schedules of Controlled Substances.

(A) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Drug Enforcement Administration (DEA) Controlled Substances Code Number set forth opposite it.

1. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- A. Acetyl-alpha-methylfentanyl  
(N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide) 9815
- B. Acetylmethadol 9601
- C. Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) 9821
- D. N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: acryl fentanyl, acryloylfentanyl) 9811
- E. AH-7921(3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl] benzamide) 9551
- F. Allylprodine 9602

- G. Alphacetylmethadol (except levoalphacetylmethadol also known as levo-alpha-acetylmethadol levothadyl acetate or LAAM) 9603
- H. Alphameprodine 9604
- I. Alphamethadol 9605
- J. Alpha-methylfentanyl (N-1-(alphamethyl-beta-phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4 ((N-propanilido) piperidine) 9814
- K. Alpha-methylthiofentanyl  
(N-(1-methyl-2-(2-thienyl) ethyl-4-piperidinyl)-N-phenylpropanamide) 9832
- L. Benzethidine 9606
- M. Betacetylmethadol 9607
- N. Beta-hydroxyfentanyl  
(N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-phenylpropanamide) 9830
- O. Beta-hydroxy-3-methylfentanyl (other name: N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide) 9831
- P. N-[1-[2-hydroxy-2-(thiophen-2-yl) ethyl]piperidin-4-yl]-N-phenylpropionamide  
(Other names: beta-hydroxythiofentanyl) 9836
- Q. Betameprodine 9608
- R. Betamethadol 9609
- S. **beta-Methyl fentanyl**  
(N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl) propionamide  
(Other name: **β-methyl fentanyl**) 9856
- T. **beta'-Phenyl fentanyl**  
(N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide  
(Other names: **β'-phenyl fentanyl**; 3-phenylpropanoyl fentanyl) 9842
- /S./U. Betaprodine 9611
- /T./V. Clonitazene 9612
- W. Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide) 9844
- X. N-(1-phenethylpiperidin-4-yl)-N-Phenylcyclopentanecarboxamide (Other name: cyclopentyl fentanyl) 9847
- /U./Y. Cyclopropyl fentanyl  
(N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide) 9845
- /V./Z. Dextromoramide 9613
- /W./AA. Diampromide 9615
- /X./BB. Diethylthiambutene 9616
- /Y./CC. Difenoquin 9168
- /Z./DD. Dimenoxadol 9617
- /AA./EE. Dimheptanol 9618
- /BB./FF. Dimethylthiambutene 9619
- /CC./GG. Dioxaphetyl butyrate 9621
- /DD./HH. Dipipanone 9622
- /EE./II. Ethylmethylthiambutene 9623
- /FF./JJ. Etonitazene 9624
- /GG./KK. Etozeridine 9625
- LL. **Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate)** 9851



<p>[HH]/MM. <i>N</i>-(4-fluorophenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: 4-fluoroisobutyryl fentanyl, <i>para</i>-fluoroisobutyryl fentanyl)</p>	9824	<p>(Other name: 2-methyl acetylfentanyl) 9848 MMM. <i>ortho</i>-Methyl methoxyacetyl fentanyl (2-methoxy-<i>N</i>-(2-methylphenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl) acetamide (Other name: 2-methyl methoxyacetyl fentanyl) 9820</p>
<p>NN. 2'-Fluoro <i>ortho</i>-fluorofentanyl (<i>N</i>-(1-(2-fluorophenethyl)piperidin-4-yl)-<i>N</i>-(2-fluorophenyl) propionamide (Other names: 2'-fluoro 2-fluorofentanyl)</p>	9855	<p>NNN. <i>N</i>-(4-chlorophenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl)isobutyramide, (Other name: <i>para</i>-chloroisobutyryl fentanyl) 9826</p>
<p>[II]/JO. <i>N</i>-(1-phenethylpiperidin-4-yl)-<i>N</i>-phenylfuran-2-carboxamide (Other names: furanyl fentanyl)</p>	9834	<p>[AAA]/OOO. <i>para</i>-Fluorobutyryl fentanyl (<i>N</i>-(4-fluorophenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl)butyramide) 9823</p>
<p>[JJ]/PP. Furethidine</p>	9626	<p>[BBB]/PPP. <i>Para</i>-fluorofentanyl(<i>N</i>-(4-fluorophenyl)-<i>N</i>-(1-(2-phenethyl)-4-piperidinyl) propanamide 9812</p>
<p>[KK]/QQ. Hydroxypethidine</p>	9627	<p>QQQ. <i>para</i>-Fluoro furanyl fentanyl (<i>N</i>-(4-fluorophenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl)furan-2-carboxamide) 9854</p>
<p>RR. <i>N</i>-(1-phenethylpiperidin-4-yl)-<i>N</i>-phenylisobutyramide (Other name: isobutyryl fentanyl)</p>	9827	<p>RRR. <i>para</i>-Methoxybutyryl fentanyl (<i>N</i>-(4-methoxyphenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl) butyramide) 9837</p>
<p>[LL]/SS. Ketobemidone</p>	9628	<p>SSS. <i>para</i>-Methylfentanyl (<i>N</i>-(4-methylphenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl) propionamide (Other Name: 4-methylfentanyl) 9817</p>
<p>[MM]/TT. Levomoramide</p>	9629	<p>[CCC]/TTT. PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine) 9663</p>
<p>[NN]/UU. Levophenacetylmorphan</p>	9631	<p>[DDD]/UUU. Phenadoxone 9637</p>
<p>[OO]/VV. Methoxyacetyl fentanyl (2-methoxy-<i>N</i>-(1-phenethylpiperidin-4-yl)-<i>N</i>-phenylacetamide</p>	9825	<p>[EEE]/VVV. Phenampromide 9638</p>
<p>WW. 4'-Methyl acetyl fentanyl (<i>N</i>-(1-(4-methylphenethyl) piperidin-4-yl)-<i>N</i>-phenylacetamide)</p>	9819	<p>[FFF]/WWW. Phenomorphan 9647</p>
<p>[PP]/XX. 3-Methylfentanyl (<i>N</i>-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-<i>N</i>-phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers</p>	9813	<p>[GGG]/XXX. Phenoperidine 9641</p>
<p>[QQ]/YY. 3-Methylthiofentanyl (<i>N</i>-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-<i>N</i>-phenylpropanamide)</p>	9833	<p>YYY. Phenyl fentanyl (<i>N</i>-(1-phenethylpiperidin-4-yl)-<i>N</i>-phenylbenzamide (Other name: benzoyl fentanyl) 9841</p>
<p>[RR]/ZZ. Morpheridine</p>	9632	<p>[HHH]/ZZZ. Piritramide 9642</p>
<p>[SS]/AAA. MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)</p>	9661	<p>[III]/AAAA. Proheptazine 9643</p>
<p>[TT]/BBB. MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl) piperazine)</p>	(9560)	<p>[JJJ]/BBBB. Properidine 9644</p>
<p>[UU]/CCC. Noracymethadol</p>	9633	<p>[KKK]/CCCC. Propiram 9649</p>
<p>[VV]/DDD. Norlevorphanol</p>	9634	<p>[LLL]/DDDD. Racemoramide 9645</p>
<p>[WW]/EEE. Normethadone</p>	9635	<p>[MMM]/EEEE. <i>N</i>-(1-phenethylpiperidin-4-yl)-<i>N</i>-phenyltetrahydrofuran-2-carboxamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: tetrahydrofuranyl fentanyl) 9843</p>
<p>[XX]/FFF. Norpipanone</p>	9636	<p>[NNN]/FFFF. Thiofentanyl (<i>N</i>-phenyl-<i>N</i>-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide 9835</p>
<p>[YY]/GGG. <i>N</i>-(2-fluorophenyl)-2-methoxy-<i>N</i>-(1-phenethylpiperidin-4-yl)acetamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: ocfeantyl)</p>	9838	<p>GGGG. Thiofuranyl fentanyl (<i>N</i>-(1-phenethylpiperidin-4-yl)-<i>N</i>-phenylthiophene-2-carboxamide (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl) 9839</p>
<p>HHH. <i>ortho</i>-Fluoroacryl fentanyl (<i>N</i>-(2-fluorophenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl) acrylamide)</p>	9852	<p>[OOO]/HHHH. Tilidine 9750</p>
<p>III. <i>ortho</i>-Fluorobutyryl fentanyl (<i>N</i>-(2-fluorophenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl) butyramide (Other Name: 2-fluorobutyryl fentanyl)</p>	9846	<p>[PPP]/IIII. Trimeperidine 9646</p>
<p>[ZZ]/JJJ. <i>ortho</i>-Fluorofentanyl (<i>N</i>-(2-fluorophenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl) propionamide); other name: 2-fluorofentanyl)</p>	9816	<p>2. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:</p>
<p>KKK. <i>ortho</i>-Fluoroisobutyryl fentanyl (<i>N</i>-(2-fluorophenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl)isobutyramide)</p>	9853	<p>A. Acetorphine 9319 B. Acetyldihydrocodeine 9051 C. Benzylmorphine 9052 D. Codeine methylbromide 9070 E. Codeine-N-Oxide 9053 F. Cyprenorphine 9054 G. Desomorphine 9055 H. Dihydromorphine 9145 I. Drotebanol 9335</p>
<p>LLL. <i>ortho</i>-Methyl acetylfentanyl (<i>N</i>-(2-methylphenyl)-<i>N</i>-(1-phenethylpiperidin-4-yl) acetamide</p>		

J. Etorphine (except hydrochloride salt)	9056	ethanamine (2C-C)	7519
K. Heroin	9200	M. 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2)	7385
L. Hydromorphenol	9301	N. 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)	7518
M. Methylidesorphine	9302	O. 2-(4-Isopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-4)	7532
N. Methyl dihydromorphine	9304	P. 4-methoxyamphetamine	7411
O. Morphine methylbromide	9305	Some trade or other names: 4-methoxy-amethylphenethylamine; paramethoxyamphetamine; PMA;	
P. Morphine methylsulfonate	9306	Q. 5-methoxy-3,4-methylenedioxyamphetamine	7401
Q. Morphine-N-Oxide	9307	R. 4-methyl-2,5-dimethoxyamphetamine	7395
R. Myrophine	9308	Some trade and other names: 4-methyl-2, 5- dimethoxy-a-methylphenethylamine; DOM; and STP;	
S. Nicocodeine	9309	S. 3,4-methylenedioxyamphetamine	7400
T. Nicomorphine	9312	T. 3,4-methylenedioxymethamphetamine(MDMA)	7405
U. Normorphine	9313	U. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethylalpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA)	7404
V. Pholcodine	9314	V. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy)phenethylamine and N-hydroxy MDA)	7402
W. Thebacon	9315	W. 3,4,5-trimethoxyamphetamine	7390
3. Opiate Similar Synthetic Substances. Substances scheduled by the United States Drug Enforcement Administration as substances that share a pharmacological profile similar to fentanyl, morphine, and other synthetic opioids, unless specifically excepted or unless listed in another schedule. These substances are—		X. 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine	7431
A. Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide)	9822	Y. Alpha-methyltryptamine	7432
B. U-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	Z. Bufotenine	7433
C. N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (Other name: valeryl fentanyl)	9840	Some trade and other names: 3-(b-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine;	
4. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (For purposes of paragraph (1)(A)4. of this rule only, the term isomer includes the optical, position, and geometric isomers.):		AA. Diethyltryptamine	7434
A. Alpha-ethyltryptamine	7249	Some trade and other names: N, N-Diethyltryptamine; DET;	
Some trade or other names: etryptamine; Monase; alpha-ethyl-1 <i>H</i> -indole-3-ethenamine; 3-(2-aminobutyl)indole; alpha-ET; and AET;		BB. Dimethyltryptamine	7435
B. 4-bromo-2,5-dimethoxyamphetamine	7391	Some trade or other names: DMT;	
Some trade or other names: 4-bromo-2, 5- dimethoxy-a-methylphenethylamine; 4-bromo- 2, 5-DMA;		CC. 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeODIPT)	7439
C. 4-bromo-2,5-dimethoxyphenethylamine	7392	DD. Ibogaine	7260
D. 2,5-dimethoxyamphetamine	7396	Some trade and other names: 7-Ethyl- 6,6β,7,8,9,10,12,13-octahydro-2-methoxy-6, 9-methano-5 <i>H</i> -pyrido [1',2':1,2] azepino[5,4- <i>b</i> ] indole; Tabernanthe iboga;	
Some trade or other names: 2,5-dimethoxy-amethylphenethylamine; 2,5-DMA;		EE. Lysergic acid diethylamide	7315
E. 2,5-dimethoxy-4-ethylamphetamine	7399	FF. Marihuana	7360
Some trade or other names: DOET;		Some trade or other names: marijuana;	
F. 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7)	7348	GG. Mescaline	7381
G. 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P)	7524	HH. Parahexyl	7374
H. 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C-E )	7509	Some trade or other names: 3-Hexyl-1- hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl- 6 <i>H</i> -dibenzo[ <i>b</i> , <i>d</i> ]pyran; Synhexyl;	
I. 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D)	7508	II. Peyote	7415
J. 2-(2,5-Dimethoxy-4-nitrophenyl) ethanamine (2C-N)	7521	Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not; the seeds	
K. 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H)	7517		
L. 2-(4-Chloro-2,5-dimethoxyphenyl)			

thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or extracts;

JJ. N-ethyl-3-piperidyl  
benzilate 7482

KK. N-methyl-3-piperidyl  
benzilate 7484

LL. Psilocybin 7437

MM. Psilocyn 7438

NN. Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis 7370 plant), as well as synthetic equivalents of the substances contained in the cannabis plant or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers, or both, with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

(I) 1 cis or trans tetrahydrocannabinol and their optical isomers;

(II) 6 cis or trans tetrahydrocannabinol and their optical isomers;

(III) 3,4 cis or trans tetrahydrocannabinol and its optical isomers; and

(IV) Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered;

OO. Ethylamine analog of  
phencyclidine 7455

Some trade or other names: N-ethyl-1- phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)-ethylamine, cyclohexamine, PCE;

PP. Pyrrolidine analog of  
phencyclidine 7458

Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine PCPy, PHP;

QQ. Thiophene analog of  
phencyclidine 7470

Some trade or other names: 1-(1-(2-thienyl)- cyclohexyl)-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP;

RR. 1-(1-(2-thienyl)cyclohexyl)  
pyrrolidine 7473

Some other names: TCPy;

SS. Salvia divinorum

TT. Salvinorin A

UU. 3-Fluoromethcathinone 1233

VV. 4-Fluoromethcathinone 1238

WW. Mephedrone, or 4-  
methylmethcathinone 1248

XX. Methylenedioxy-  
pyrovalerone, MDPV, or  
(1-(1,3-Benzodioxol-5-yl)-  
2-(1-pyrrolidinyl)-1-  
pentanone 7535

YY. Methylone, or 3,4-  
Methylenedioxy-  
methcathinone 7540

ZZ. Quinolin-8-yl 1-pentyl-  
1Hindole-3-carboxylate  
(PB-22; QUPIC) 7222

AAA. Quinolin-8-yl 1-(5-  
fluoropentyl)-1H-indole-  
3-carboxylate (5-fluoro-  
PB-22; 5F-PB-22) 7225

BBB. N-(1-amino-3-methyl-1-  
oxobutan-2-yl)-1-  
(4-fluorobenzyl)-1Hindazole-  
3-carboxamide (AB-  
FUBINACA) 7012

CCC. N-(1-amino-3, 3-dimethyl-1-

oxobutan-2-yl)-1-pentyl-  
1H-indazole-3-carboxamide  
(ADB-PINACA) 7035

DDD. (1-pentyl-1H-indol-3-yl)  
(2,2,3,3-tetramethylcyclopropyl)  
methanone (Other names: UR-  
144, 1-pentyl-3-(2,2,3,3-  
tetramethylcyclopro-  
poyl)indole) 7144

EEE. [1-(5-fluoro-pentyl)-  
1Hindol-3-yl](2,2,3,3-  
tetramethylcyclopropyl)  
methanone (Other names:  
5-fluoro-UR-144, 5-F-UR-  
144, XLR11, 1-(5-fluo-  
ropentyl)-3-(2,2,3,3-  
tetramethylcyclopro-  
poyl)indole) 7011

FFF. N-(1-adamantyl)-1-pentyl-  
1Hindazole-3-carboxamide  
(Other names: APINACA,  
AKB48) 7048

GGG. 2-(4-iodo-2,5-  
dimethoxyphenyl)-N-(2-  
methoxybenzyl)ethanamine  
(Other names: 25I-  
NBOMe; 2C-I-NBOMe;  
25I; Cimbi-5) 7538

HHH. 2-(4-chloro-2,5-  
dimethoxyphenyl)-N-(2-  
methoxybenzyl)ethanamine  
(Other names: 25C-  
NBOMe; 2C-C-NBOMe;  
25C; Cimbi-82) 7537

III. 2-(4-bromo-2,5-  
dimethoxyphenyl)-N-(2-  
methoxybenzyl)ethanamine  
(Other names: 25B-  
NBOMe; 2C-B-NBOMe;  
25B; Cimbi-36) 7536

JJJ. 4-methyl-N-ethylcathinone  
(Other names: 4-MEC; 2-  
(ethylamino)-1-(4-  
methylphenyl)propan-  
1-one) 1249

KKK. 4-methyl-*alph*pyrrolid-  
inopropiophenone,  
(Other names: 4-MePPP;  
MePPP; 4-methyl-  
*α*-pyrrolidinopropiophenone;  
1-(4-methylphenyl)-2-  
(pyrrolidin-1-yl)-propan-  
1-one) 7498

LLL. *alph*pyrrolidinopentio-  
phenone  
(Other names: *α*-PVP; *α*-  
pyrrolidinovalerophenone;  
1-phenyl-2-(pyrrolidin-1-  
yl)pentan-1-one) 7545

MMM. Butylone  
(Other names: bk-  
MBDB; 1-(1,3-  
benzodioxol-5-  
yl)-2-(methylamino)butan-1-one) 7541

NNN. Pentadrone  
(Other names: *α*-  
methylaminovalerophenone;  
2-(methylamino)-1-  
phenylpentan-1-one) 1246

OOO. Pentylone (Other names: bk-MBDP; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one)	7542	fluorobenzyl)-1 <i>H</i> -indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-FUBINACA)	7020
PPP. Naphyrone (Other names: naphthylpyrovalerone; 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one)	1258	BBBB. methyl 2-(1-(4-fluorobenzyl)-1 <i>H</i> -indazole-3-carboxamido)-3-methylbutanoate (Other names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA)	(7021)
QQQ. <i>alpha</i> -pyrrolidinobutophenone (Other names: $\alpha$ -PBP; 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one)	7546	CCCC. 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)propan-1-one (ethylone)	7547
RRR. <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1 <i>H</i> -indazole-3-carboxamide (Other names: AB-CHMINACA)	7031	DDDD. 1-(5-fluoropentyl)-1 <i>H</i> -indole-3-carboxylate (Other names: NM2201; CBL2201)	7221
SSS. <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1 <i>H</i> -indazole-3-carboxamide (Other names: AB-PINACA)	7023	EEEE. <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamide (Other name: 5F-AB-PINACA)	7025
TTT. [1-(5-fluoropentyl)-1 <i>H</i> -indazol-3-yl](naphthalen-1-yl)methanone (Other names: THJ-2201)	7024	FFFF. 1-(4-cyanobutyl)- <i>N</i> -(2-phenylpropan-2-yl)-1 <i>H</i> -indazole-3-carboxamide (Other names: 4-CN-CUMYLBUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CNBINACA; SGT-78)	7089
UUU. <i>N</i> -(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1 <i>H</i> -indazole-3-carboxamide (Other names: MAB-CHMINACA; ADB-CHMINACA)	7032	GGGG. methyl 2-(1-(cyclohexylmethyl)-1 <i>H</i> -indole-3-carboxamido)-3-methylbutanoate (Other names: MMB-CHMICA; AMB-CHMICA)	7044
VVV. methyl 2-(1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB; 5F-MDMB-PINACA)	7034	HHHH. 1-(5-fluoropentyl)- <i>N</i> -(2-phenylpropan-2-yl)-1 <i>H</i> -pyrrolo[2,3- <i>b</i> ]pyridine-3-carboxamide (Other name: 5F-CUMYL-P7AICA)	7085
WWW. methyl 2-(1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamido)-3-methylbutanoate (Other names: 5F-AMB)	7033	IIII. <i>N</i> -ethylpentylone (Other names: ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543
XXX. <i>N</i> -(adamantan-1-yl)-1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamide (Other names: 5F-APINACA, 5F-AKB48)	7049	JJJJ. methyl 2-(1-(4-fluorobutyl)-1 <i>H</i> -indazole-3-carboxamido)-3,3-dimethylbutanoate (4F-MDMB-BINACA, 4F-MDMB-BUTINACA)	7043
YYY. <i>N</i> -(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1 <i>H</i> -indazole-3-carboxamide (Other names: ADB-FUBINACA)	7010	KKKK. 1-(4-methoxyphenyl)- <i>N</i> -methylpropan-2-amine (Other names: <i>para</i> -methoxymethamphetamine, PMMA)	1245
ZZZ. methyl 2-(1-(cyclohexylmethyl)-1 <i>H</i> -indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA, MMB-CHMINACA)	7042	/CCCC./LLLL. Synthetic cannabinoids: Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:	
AAAA. methyl 2-(1-(4-		(I) Any compound structurally derived from 3-(1-naphthoyl)indole or 1 <i>H</i> indol- 3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-( <i>N</i> -methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited to:	
		(a) AM2201, or 1-(5-Fluoropentyl)-3-(1-naphthoyl)indole	7201
		(b) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole	

- (c) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole
- (d) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole 7118
- (e) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole 7019
- (f) JWH-073, or 1-butyl-3-(1-naphthoyl)indole 7173
- (g) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole 7081
- (h) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole
- (i) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole 7122
- (j) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole
- (k) JWH-200, or 1-(2-(4-morpholinyl)ethyl)-3-(1-naphthoyl)indole 7200
- (l) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole
- (m) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole 7398
- (II) Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent;
- (III) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;
- (IV) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Including, but not limited to:
- (a) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole
- (b) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole 7203
- (c) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole 6250
- (d) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole
- (e) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole 7008
- (V) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic

ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but not limited to:

(a) CP 47,497 & homologues, or 2-[(1*R*,3*S*)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain *n*=5, and homologues where side chain *n*=4, 6, or 7 7297, 7298

(VI) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to:

(a) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole 7694

(b) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole (SR-19 and RCS-4) 7104

(VII) CP 50,556-1, or [(6*S*,6*aR*,9*R*,10*aR*)-9-hydroxy-6-methyl-3-[(2*R*)-5-phenylpentan-2-yl]oxy-5,6,6*a*,7,8,9,10,10*a*-octahydrophenanthridin-1-yl] acetate;

(VIII) HU-210, or (6*aR*,10*aR*)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6*a*,7,10,10*a*-tetrahydrobenzo[*c*]chromen-1-ol;

(IX) HU-211, or Dexanabinol,(6*aS*,10*aS*)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6*a*,7,10,10*a*-tetrahydrobenzo[*c*]chromen-1-ol;

(X) Dimethylheptylpyran, or DMHP.

5. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

A. Gamma-hydroxybutyric acid and other names GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutonic acid; sodium oxybate; sodium oxybutyrate 2010

B. Mecloqualone 2572

C. Methaqualone 2565

6. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

A. Aminorex 1585

Some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine;

B. *N*-benzylpiperazine (some other names: BZP, 1-benzylpiperazine) 7493

C. Cathinone (Some trade or other names: 2-amino-1-phenyl-1-propanone, alphaaminopropiophenone, 2-aminopropiophenone and norephedrone) 1235

D. 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine) 1595

/D./E. Fenethylamine 1503

/E./F. Methcathinone 1237

Some trade or other names: 2-(methylamino)- propiophenone; alpha-(methylamino) propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-*N*-methylaminopropiophenone; monomethylpropion; ephedrone; *N*-methylcathinone; methylcathinine; AL-464; AL-422; AL-463 and URI 432;

/F./G. 4-methoxymethylcathinone

/G./H. cis-4-methylaminorex

(cis-4,5-dihydro-4-methyl-

5-phenyl-2-oxazolamine) 1590

/H./I. 4-Methyl-alpha-

pyrrolidinobutiophenone,

or MPBP

/I./J. *N*-ethylamphetamine 1475

/J./K. *N,N*-dimethylamphetamine 1480

(some other names: *N,N*-alpha-trimethylbenzeneethanamine; *N,N*-alpha-trimethylphenethylamine)

7. A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture, or preparation which contains any quantity of the following substances:

[A. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: acetyl fentanyl) 9821

B. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers (Other name: valeryl fentanyl) 9840

C. *N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: para-methoxybutyryl fentanyl) (9837)

D. *N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: para-chloroisobutyryl fentanyl) (9826)

E. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: isobutyryl fentanyl) (9827)

F. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: cyclopentyl fentanyl) (9847)]

[G./A. Fentanyl-related substances, their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. 9850

(I) Fentanyl-related substance means any substance not otherwise listed under another Administration Controlled Substance Code Number, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act 21

U.S.C. 355, that is structurally related to fentanyl by one (1) or more of the following modifications:

(a) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(b) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(c) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(d) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(e) Replacement of the *N*-propionyl group by another acyl group.

[H. *Naphthalen-1-yl 1*-(5-fluoropentyl)-1*H*-indole-3-carboxylate, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: NM2201; CBL2201) (7221)

I. *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 5F-AB-PINACA) (7025)

J. 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-CN-CUMYLBUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CNBINACA; SGT-78) (7089)

K. methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: MMB-CHMICA, AMB-CHMICA) (7044)

L. 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-*b*]pyridine-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 5F-CUMYL-P7AICA) (7085)

M. *N*-Ethylpentylone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one) (7543)]

[N.]B. ethyl 2-(1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-EDMB-PINACA)	7036	names: MPHP; 4'-methyl- <i>alpha</i> -pyrrolidinoheptaphenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one	7446
[O.]C. methyl 2-(1-(5-fluoropentyl)-1 <i>H</i> -indole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-MDMB-PICA)	7041	[W.]K. <i>alpha</i> -Pyrrolidinoheptaphenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one)	7548
[P.]D. <i>N</i> -(adamantan-1-yl)-1-(4-fluorobenzyl)-1 <i>H</i> -indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial names: FUB-AKB48; FUB-APINACA; AKB48 <i>N</i> -(4-FLUOROBENZYL))	7047	[X.]L. 4'-Chloro- <i>alpha</i> -pyrrolidinovalerophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-chloro- $\alpha$ -PVP; 4'-chloro- <i>alpha</i> -pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl) pentan-1-one)	7443
[Q.]E. 1-(5-fluoropentyl)- <i>N</i> -(2-phenylpropan-2-yl)-1 <i>H</i> -indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial names: 5F-CUMYL-PINACA; SGT-25)	7083	[Y.]M. <i>N,N</i> -diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1 <i>H</i> -benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: isotonitazene; <i>N,N</i> -diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1 <i>H</i> -benzimidazole-1-ethanamine)	9614
[R.]F. (1-(4-fluorobenzyl)-1 <i>H</i> -indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: FUB-144)	7014	<b>N. 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1, 3-dihydro-2<i>H</i>-benzo[<i>d</i>]imidazol-2-one, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: brorphine; 1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihydro-2<i>H</i>-benzimidazol-2-one)</b>	<b>9098</b>
[S.]G. <i>N</i> -Ethylhexedrone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other name: 2-(ethylamino)-1-phenylhexan-1-one)	7246	8. Khat, to include all parts of the plant presently classified botanically as <i>catha edulis</i> , whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or extracts.	7032
[T.]H. <i>alpha</i> -Pyrrolidinoheptaphenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: $\alpha$ -PHP; <i>alpha</i> -pyrrolidinoheptaphenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one)	7544	(B) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.	
[U.]I. 4-Methyl- <i>alpha</i> -ethylaminopentiophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one)	7245	1. Substances, vegetable origin, or chemical synthesis. Unless specifically excepted or unless listed in another schedule, Schedule II shall include any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: A. Opium and opiate; and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxegol, naloxone, and naltrexone and their respective salts, but including the following:	
[V.]J. 4'-Methyl- <i>alpha</i> -pyrrolidinoheptaphenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other		(I) Raw opium (II) Opium extracts (III) Opium fluid	9600 9610 9620

(IV) Powdered opium	9639
(V) Granulated opium	9640
(VI) Tincture of opium	9630
(VII) Codeine	9050
(VIII) Dihydroetorphine	9334
(IX) Ethylmorphine	9190
(X) Etorphine hydrochloride	9059
(XI) Hydrocodone	9193
(XII) Hydromorphone	9150
(XIII) Metopon	9260
(XIV) Morphine	9300
(XV) Oripavine	9330
(XVI) Oxycodone	9143
(XVII) Oxymorphone	9652
(XVIII) Thebaine	9333

B. Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1)(B)1.A. of this rule shall be included in Schedule II, except that these substances shall not include the isoquinoline alkaloids of opium;

C. Opium poppy and poppy straw 9650

D. Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves (including cocaine (9041) and ecgonine (9180) and their salts, isomers, derivatives, and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include:

(I) Decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; or

(II) Ioflupane;

E. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy) 9670

2. Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan, and levopropoxyphene excepted:

A. Alfentanil	9737
B. Alphaprodine	9010
C. Anileridine	9020
D. Bezitramide	9800
E. Bulk Dextropropoxyphene (Non-dosage Forms)	9273
F. Carfentanil	9743
G. Dihydrocodeine	9120
H. Diphenoxylate	9170
I. Fentanyl	9801
J. Isomethadone	9226
K. Levo-alphaacetylmethadol	

Some other names: levo-alphaacetylmethadol, levomethadyl acetate,

LAAM	9648
L. Levomethorphan	9210
M. Levorphanol	9220
N. Metazocine	9240
O. Methadone	9250
P. Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane	9254
Q. Moramide-Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid	9802
R. Oliceridine (N-[(3-methoxythiophen-2-yl)methyl] ({2-[(9R)-9-(pyridin-2-yl)-6-oxaspiro[4.5]decan-9-yl]ethyl})amine fumarate)	9245

/R./S. Pethidine (Meperidine)	9230
/S./T. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine	9232
/T./U. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate	9233
/U./V. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid	9234
/V./W. Phenazocine	9715
/W./X. Piminodine	9730
/X./Y. Racemethorphan	9732
/Y./Z. Racemorphan	9733
/Z./AA. Remifentanil	9739
/AA./BB. Sufentanil	9740
/BB./CC. Tapentadol	9780
/CC./DD. Thiafentanil	9729

3. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

A. Amphetamine, its salts, optical isomers, and salts of its optical isomers	1100
B. Lisdexamfetamine, its salts, isomers, and salts of its isomers	1205
C. Methamphetamine, its salts, isomers, and salts of its isomers	1105
D. Phenmetrazine and its salts	1631
E. Methylphenidate	1724

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

A. Amobarbital	2125
B. Glutethimide	2550
C. Pentobarbital	2270
D. Phencyclidine	7471
E. Secobarbital	2315

5. Hallucinogenic substances:

A. Nabilone	7379
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Another name for nabilone: (±)trans-3-(1, 1-dimethylheptyl)-6, 6a,7,8,10,10a-hexahydro- 1-hydroxy-6, 6-dimethyl-9H-dibenzo(b,d)pyran-9-one.

B. Dronabinol [(-)-delta-9-*trans* tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States Food and Drug Administration. (7365)

6. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

A. Immediate precursor to amphetamine and methamphetamine:

(I) Phenylacetone	8501
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Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;

B. Immediate precursors to phencyclidine (PCP):	
(I) 1-phenylcyclohexylamine	7460
(II) 1-piperidinocyclohexanecarbonitrile (PCC)	8603



C. Immediate precursor to fentanyl:

(I) 4-anilino-*N*-phenethyl-4-piperidine (ANPP) 8333

(II) *N*-phenyl-*N*-(piperidin-4-yl)propionamide (norfentanyl) 8366

7. Any material, compound, mixture, or preparation which contains any quantity of the following alkyl nitrites:

A. Amyl nitrite;

B. Butyl nitrite.

(C) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

1. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

A. Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under 21 CFR 308.32 and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances

B. Benzphetamine	1228
C. Chlorphentermine	1645
D. Clortermine	1647
E. Phendimetrazine	1615

2. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

A. Any compound, mixture, or preparation containing—

(I) Amobarbital	2126
(II) Secobarbital	2316
(III) Pentobarbital	2271

or any salt thereof and one (1) or more other active medicinal ingredients which are not listed in any schedule;

B. Any suppository dosage form containing—

(I) Amobarbital	2126
(II) Secobarbital	2316
(III) Pentobarbital	2271

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

C. Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof

D. Chlorhexadol	2510
E. Embutramide	2020

F. Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomer, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act;

G. Ketamine, its salts, isomer, and salts of isomers (some other names for ketamine: (±)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone)	7285
H. Lysergic acid	7300
I. Lysergic acid amide	7310
J. Methypylon	2575
K. Perampanel, and its salts, isomers, and salts of isomers	2261

L. Sulfondiethylmethane	2600
M. Sulfonethylmethane	2605
N. Sulfonmethane	2610
O. Tiletamine and zolazepam or any salt thereof	7295

Some trade or other names for a tiletaminezolazepam combination product: Telazol.

Some trade or other names for tiletamine: 2- (ethylamino)-2-(2-thienyl)-cyclohexanone.

Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6-8-dihydro-1,3,8- trimethylpyrazolo-(3,4-e) (1,4)-diazepin- 7(1H)-one, flupyrzapon.

3. Nalorphine 9400

4. Narcotics drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:

A. Not more than one and eight tenths grams (1.8gm) of codeine per one hundred milliliters (100 mL) or not more than ninety milligrams (90 mg) per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium 9803

B. Not more than one and eight tenths grams (1.8gm) of codeine per one hundred milliliters (100 mL) or not more than ninety milligrams (90 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9804

C. Not more than one and eight tenths grams (1.8gm) of dihydrocodeine per one hundred milliliters (100 mL) or not more than ninety milligrams (90 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9807

D. Not more than three hundred milligrams (300 mg) of ethylmorphine per one hundred milliliters (100 mL) or not more than fifteen milligrams (15 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9808

E. Not more than five hundred milligrams (500 mg) of opium per one hundred milliliters (100 mL) or per one hundred grams (100 gm) or not more than twenty-five milligrams (25 mg) per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts 9809

F. Not more than fifty milligrams (50 mg) of morphine per one hundred milliliters (100 mL) or per one hundred grams (100 gm), with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9810

5. Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:

A. Buprenorphine 9064

6. Anabolic steroids. Unless specially excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation. DEA has assigned code 4000 for all anabolic steroids. Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters, and ethers:

A. 3β,17β-dihydroxy-5α-androstane

- B. 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane  
 C. 5 $\alpha$ -androst-3,17-dione  
 D. 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene)  
 E. 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene)  
 F. 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene)  
 G. 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene)  
 H. 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione)  
 I. 4-androstenedione (androst-4-en-3,17-dione)  
 J. 5-androstenedione (androst-5-en-3,17-dione)  
 K. Bolasterone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one)  
 L. Boldenone (17 $\beta$ -hydroxyandrost-1, 4-diene-3-one)  
 M. Boldione (androsta-1,4-diene-3,17-dione)  
 N. Calusterone (7 $\beta$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one)  
 O. Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one)  
 P. Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1, 4-dien-3-one)  
 Q. Desoxymethyltestosterone (17 $\alpha$ -methyl-5 $\alpha$ -androst-2-en-17 $\beta$ -ol) (a.k.a. madol)  
 R.  $\Delta$ 1-dihydrotestosterone (a.k.a.'1-testosterone')(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one)  
 S. 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one)  
 T. Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one)  
 U. Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene)  
 V. Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one)  
 W. Formebolone (Formebolone) (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one)  
 X. Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostano[2,3-c]-furan)  
 Y. 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one  
 Z. 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one)  
 AA. 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one)  
 BB. Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androstan-3-one)  
 CC. Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one)  
 DD. Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one)  
 EE. Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene)  
 FF. Methasterone (2 $\alpha$ ,17 $\alpha$ -dimethyl-5 $\alpha$ -androstan-17 $\beta$ -ol-3-one)  
 GG. Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one)  
 HH. 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane  
 II. 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane  
 JJ. 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene  
 KK. 17 $\alpha$ -methyl-4-hydroxynandrolone(17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-one)  
 LL. Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one)  
 MM. Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9,11-trien-3-one)  
 NN. Methyltestosterone (17 $\alpha$ -methyl-17-hydroxyandrost-4-en-3-one)  
 OO. Mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one)  
 PP. 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-one) (a.k.a. 17- $\alpha$ -methyl-1-testosterone)  
 QQ. Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one)  
 RR. 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene)  
 SS. 19-nor-4-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-4-ene)  
 TT. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione)  
 UU. 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene)  
 VV. 19-nor-5-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-5-ene)  
 WW. 19-nor-4-androstenedione (estr-4-en-3,17-dione)  
 XX. 19-nor-5-androstenedione (estr-5-en-3,17-dione)  
 YY. Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one)  
 ZZ. Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one)  
 AAA. Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one)  
 BBB. Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one)  
 CCC. Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androstan-3-one)  
 DDD. Oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one)  
 EEE. Oxymetholone (17 $\alpha$ -methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one)  
 FFF. Prostanazol (17 $\beta$ -hydroxy-5 $\alpha$ -androstan[3,2-c]pyrazole)  
 GGG. Stanolone ( $\Delta$ 1-dihydrotestosterone (a.k.a. 1-testosterone)(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one))  
 HHH. Stanazolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-2-eno[3,2-c]-pyrazole)  
 III. Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-androst-1-en-3-one)  
 JJJ. Testolactone(13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone)  
 KKK. Testosterone(17 $\beta$ -hydroxyandrost-4-en-3-one);  
 LLL. Tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4,9, 11-trien-3-one)  
 MMM. Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one)  
 NNN. Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph, if that salt, ester, or isomer promotes muscle growth except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of Health and Human Services for that administration.
7. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product 7369  
 (Some other names for dronabinol: (6aRtrans)- 6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-) -delta-9-(trans)-tetrahydrocannabinol.)
- (D) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.
1. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:
- A. Not more than one milligram (1 mg) of difenoxin (DEA Drug Code No. 9168) and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit 9167  
 B. Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) 9278  
 C. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers (including tramadol) 9752  
 D. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(I) Not more than two hundred milligrams (200 mg) of codeine per one hundred milliliters (100 mL) or per one hundred grams (100 gm);

(II) Not more than one hundred milligrams (100 mg) of dihydrocodeine per one hundred milliliters (100 mL) or per one hundred grams (100 gm); or

(III) Not more than one hundred milligrams (100 mg) of ethylmorphine per one hundred milliliters (100 mL) or per one hundred grams (100 gm).

2. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

A. Alfaxalone	2731
B. Alprazolam	2882
C. Barbital	2145
D. Brexanolone	2400
E. Bromazepam	2748
F. Camazepam	2749
G. Carisoprodol	8192
H. Chloral betaine	2460
I. Chloral hydrate	2465
J. Chlordiazepoxide	2744
K. Clobazam	2751
L. Clonazepam	2737
M. Clorazepate	2768
N. Clotiazepam	2752
O. Cloxazolam	2753
P. Delorazepam	2754
Q. Diazepam	2765
R. Dichloralphenazone	2467
S. Estazolam	2756
T. Ethchlorvynol	2540
U. Ethinamate	2545
V. Ethyl loflazepate	2758
W. Fludiazepam	2759
X. Flunitrazepam	2763
Y. Flurazepam	2767
Z. Fospropofol	2138
AA. Halazepam	2762
BB. Haloxazolam	2771
CC. Ketazolam	2772
DD. Lemborexant	2245
EE. Loprazolam	2773
FF. Lorazepam	2885
GG. Lormetazepam	2774
HH. Mebutamate	2800
II. Medazepam	2836
JJ. Meprobamate	2820
KK. Methohexital	2264
LL. Methylphenobarbital (Mephobarbital)	2250
MM. Midazolam	2884
NN. Nimetazepam	2837
OO. Nitrazepam	2834
PP. Nordiazepam	2838
QQ. Oxazepam	2835
RR. Oxazolam	2839
SS. Paraldehyde	2585
TT. Petrichloral	2591
UU. Phenobarbital	2285
VV. Pinazepam	2883
WW. Prazepam	2764
XX. Quazepam	2881
YY. Remimazolam	2846
/YY./ZZ. Suvorexant	2223

/ZZ./AAA. Temazepam	2925
/AAA./BBB. Tetrazepam	2886
/BBB./CCC. Triazolam	2887
/CCC./DDD. Zaleplon	2781
/DDD./EEE. Zolpidem	2783
/EEE./FFF. Zopiclone	2784

3. Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

A. Fenfluramine 1670

4. Lorcaserin. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

A. Lorcaserin 1625

5. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

A. Cathine ((+)- norpseudoephedrine)	1230
B. Diethylpropion	1610
C. Fencamfamin	1760
D. Fenproporex	1575
E. Mazindol	1605
F. Mefenorex	1580
G. Modafinil	1680
H. Pemoline (including organometallic complexes and chelates thereof)	1530
I. Phentermine	1640
J. Pipradrol	1750
K. Serdexmethylphenidate	1729
/K./L. Sibutramine	1675
/L./M. Solriamfetol (2-amino-3- phenylpropyl carbamate; benzenepropanol, beta- amino-, carbamate (ester))	1650
/M./N. SPA (-)-1-dimethylamino- 1,2-diphenylethane	1635

6. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:

A. Pentazocine	9709
B. Butorphanol (including its optical isomers)	9720
C. Eluxadoline (5-[[[(2S)-2- amino-3-[4-aminocarbonyl]- 2,6-dimethylphenyl]-1- oxopropyl] [(1S)-1-(4-phenyl- 1 H-imidazol-2- yl)ethyl]amino]methyl]-2- methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers	9725

7. Ephedrine. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including their salts, isomers, and salts of isomers:

A. Ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient.

(E) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this subsection.

1. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as follows, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

A. Not more than two hundred milligrams (200 mg) of codeine per one hundred milliliters (100 mL) or per one hundred grams (100 gm);

B. Not more than one hundred milligrams (100 mg) of dihydrocodeine per one hundred milliliters (100 mL) or per one hundred grams (100 gm);

C. Not more than one hundred milligrams (100 mg) of ethylmorphine per one hundred milliliters (100 mL) or per one hundred grams (100 gm);

D. Not more than two and five-tenths milligrams (2.5 mg) of diphenoxylate and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit;

E. Not more than one hundred milligrams (100 mg) of opium per one hundred milliliters (100 mL) or per one hundred grams (100 gm); and

F. Not more than five-tenths milligram (0.5 mg) of difenoxin (DEA Drug Code No. 9168) and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit.

2. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including its salts, isomers, and salts of isomers:

A. Pyrovalerone 1485

3. Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers if the drug preparations are starch-based solid dose forms, if such preparations are sold over the counter without a prescription. The following drug preparations containing ephedrine and pseudoephedrine are not scheduled controlled substances:

A. Drug preparations in liquid form;

B. Drug preparations that require a prescription in order to be dispensed.

4. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

A. Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester] 2779

B. Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide] 2746

C. Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] 2782

D. Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also referred to as BRV; UCB-34714; Briviact) 2710

E. Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-

carbonyl) pyridine-2-yl-benzamide] 2790

F. Cenobamate ([1(R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester) 2720

**AUTHORITY:** section 195.015, RSMo Supp. [2020] 2021, and section 195.195, RSMo 2016. Material found in this rule previously filed as 19 CSR 30-1.010. Original rule filed April 14, 2000, effective Nov. 30, 2000. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 28, 2021, effective Oct. 13, 2021, expires April 10, 2022. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

**PUBLIC COST:** This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

**PRIVATE COST:** This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

## Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

### Division 30—Division of Regulation and Licensure Chapter 30—Ambulatory Surgical Centers and Abortion Facilities

#### EMERGENCY AMENDMENT

**19 CSR 30-30.060 Standards for the Operation of Abortion Facilities.** The department is amending Paragraph 8 of subsection (1)(A).

**PURPOSE:** This amendment updates the list of laws, regulations, and standards that governing bodies must ensure abortion facilities abide by or otherwise comply with.

**EMERGENCY STATEMENT:** This emergency amendment requires governing bodies operating abortion facilities within Missouri to ensure that their facilities abide with certain regulations governing their operation. In addition to requiring governing bodies ensure that their facilities are operating in compliance with the applicable state and federal laws and regulations, this emergency amendment requires violations of these laws and regulations to be immediately referred to the Medicaid Audit and Compliance Unit of the Department of Social Services. This information transfer will allow MMAC to evaluate (or reevaluate) Medicaid eligibility of the provider in consideration of current deficiencies and thereby increase further compliance with state and federal laws and regulations governing abortion facilities. As a result, the Department of Health and Senior Services finds that there is a compelling governmental interest that requires an early effective date as permitted under Section 536.025, RSMo, in order to ensure that abortion facilities are operated in accordance with all legal requirements and applicable standards of care. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of

*Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. Subject to section 536.025, this emergency rule was filed September 28, 2021, becomes effective October 13, 2021, and expires April 10, 2022.*

(1) Governing Body, Administration, and Medical Staff.

(A) The facility shall have a governing body which may be an individual owner or owners, partnership, corporate body, association, or public agency.

1. The governing body shall have full legal responsibility for determining, implementing, and monitoring policies governing a facility's total operation and for ensuring that the policies are administered in a manner to provide acceptable care in a safe environment and in accordance with all legal requirements and standards of care.

2. The governing body shall select and employ an administrator who is a physician licensed in Missouri, a registered nurse licensed in Missouri, or an individual who has at least one (1) year of administrative experience in health care.

3. If there is any change in the designation of the administrator, the governing body shall notify the department within ten (10) calendar days of the change.

4. The governing body shall ensure that, in the absence of the administrator from the facility, a person who meets the qualifications of an administrator as defined in this regulation shall be present at the facility and fulfill the administrator's duties.

5. Bylaws of the governing body shall acknowledge that department surveyors shall be allowed to inspect the facility at any time the facility is in operation. Surveyors shall have due regard for the medical condition and reasonable privacy of the on-site patients.

6. Bylaws of the governing body shall require that the medical staff, facility personnel and all others providing services relative to the facility shall be directly or indirectly responsible to the governing body through the administrator.

7. The governing body, through the administrator, shall establish criteria for the content of patient records and shall provide for timely completion of those records and disciplinary action for noncompliance.

8. The governing body, through the administrator, shall ensure that the abortion facility abides by all applicable state and federal laws and regulations. This shall include, but not be limited to, compliance with Chapter 188, RSMo./, 13 CSR 70-3.030(3), failure to notify pathology lab of failed abortion within twenty-four (24) hours, failure to ensure the physician providing informed consent to the patient is the physician who performs the procedure, failure to ensure all medical records associated with abortions accurately reflect the date and time the record was created, failure to ensure the physician who performs the abortion performs a pelvic exam at least seventy-two (72) hours before an abortion unless, in the physician's clinical judgment, such pelvic exam is not medically necessary and said physician documents the reason for such determination, failure of any physician, nurse, or other health care provider, or their contracted agents, to cooperate with any Department of Health and Senior Services investigator upon written request of the investigator, failure to ensure all employees participate in annual fire drill, failure to ensure policies are written in accordance with regulatory requirements, failure to ensure endotracheal equipment is maintained and that staff is aware of the location of the equipment, failure to follow acceptable sterilization standards for surgery instruments and equipment, or failure to maintain controlled substance logs in accordance with published regulations. Any violation of law or regulation shall be immediately referred, in writing, with details of said violation or violations, to the Medicaid Audit and Compliance Unit of the Department of Social Services.

9. The governing body, through the administrator, shall be responsible for developing, implementing, and enforcing a policy to ensure protection of facility employees, physicians, and volunteers

from retaliation or adverse employer actions by the facility for disclosing information regarding alleged infection control concerns; alleged facility mismanagement or fraudulent activity; or alleged violations of state or federal law or regulations regarding patient care, patient safety, or facility safety.

*AUTHORITY: section 197.225, RSMo Supp. [2019] 2021. Original rule filed July 15, 1987, effective Oct. 25, 1987. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 28, 2021, effective Oct. 13, 2021, expires April 10, 2022. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

*PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.*

*PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.*

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

### PROPOSED AMENDMENT

**5 CSR 20-400.210 Application for Certificates of License to Teach on the Basis of Certification by the American Board for Certification of Teacher Excellence (ABCTE).** The State Board of Education (board) is amending sections (1)–(3).

*PURPOSE: This proposed amendment will update the rule's references and clarify language for the Application for Certificates of License to Teach on the Basis of Certification by the American Board for Certification of Teacher Excellence (ABCTE).*

(1) In addition to all the criteria for application provided under [5

*CSR 80-800.200]* **5 CSR 20-400.500**, an initial four- (4-)/-/ year certificate shall be issued to an applicant who has successfully obtained certification through the American Board for Certification of Teacher Excellence (ABCTE) and upon verification by *[the school principal]* **the designated district official at a public school or accredited non-public school** of sixty (60) contact hours in any one (1) of the following areas:

(2) Upon completion of the requirements listed in section (1) of this rule and completion of the requirements listed herein, an applicant shall be eligible to apply for a career continuous professional certificate:

(D) Completion of two (2) years in a **department-approved** district mentoring program *[approved by the state board of education or the ABCTE]*;

(E) *[Participate]* **Participation** in the district's Performance-Based Teacher Evaluations (PBTEs); and

(3) Certification authorized under this rule shall not be granted for the areas of early childhood education*[, elementary education,]* or special education.

*AUTHORITY: section 161.092, RSMo [Supp. 2007] 2016. This rule previously filed as 5 CSR 80-800.285. Original rule filed April 9, 2008, effective Oct. 30, 2008. Moved to 5 CSR 20-400.210, effective Aug. 16, 2011. Amended: Filed Sept. 22, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to [educatorquality@dese.mo.gov](mailto:educatorquality@dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

### PROPOSED AMENDMENT

**5 CSR 20-400.260 Certificate of License to Teach Classifications.** The State Board of Education (board) is amending section (1), deleting sections (2) and (9), renumbering as necessary, and amending renumbered sections (2), (5), (6), (8), and (11)–(18).

*PURPOSE: This amendment will update the rule references and clarify language for the classification of certificates of license to teach.*

(1) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in *[the Compendium of Missouri Certification Requirements (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of*

*Elementary and Secondary Education (revised February 2012), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions]* **5 CSR 20-400.500-5 CSR 20-400.700.**

*[(2) Effective dates for initial certificates of license to teach, except for substitutes certificates of license to teach, are as follows:*

*(A) June 1, when the application is received from May 1 through July 31;*

*(B) August 15, when the application is received from August 1 through November 30; or*

*(C) January 1, when the application is received from December 1 through April 30.]*

*[(3)](2) If a certificate of license to teach is renewed, except for a substitute, **provisional, or temporary authorization** certificate of license to teach, the effective date of renewal will be the date of expiration of the certificate of license to teach, providing that the application for renewal and supporting materials are received by the Department of Elementary and Secondary Education [(DESE)] (**department**) prior to or on the expiration date.*

*(A) If the renewal of the certificate of license to teach is received by [DESE] the department within eleven (11) months of the expiration date of the certificate or a shorter time if specified in the rules promulgated by the board, the effective date of renewal will be the certificate's expiration date.*

*[(B) If an individual's certificate of license to teach renewal is received after the certificate has expired for more than eleven (11) months or a shorter time if specified in the rules promulgated by the board, the individual must meet the current certification requirements as set forth in the compendium unless extenuating circumstances exist and the individual obtains the approval of the commissioner of education.]*

*[(4)](3) Certificates of license to teach may be issued pursuant to the rules promulgated by the board, to individuals in the following classifications:*

*(A) Initial Professional Classification (IPC); and/or*

*(B) Career Continuous Professional Classification (CCPC) (doctoral applicants are ineligible to advance to the CCPC level).*

*[(5)](4) For the purpose of this rule, one (1) contact hour for professional development is defined as—*

*(A) Sixty (60) minutes of professional development; or*

*(B) One (1) hour college credit equals fifteen (15) contact hours of professional development.*

*[(6)](5) Initial Professional Classification (IPC)—*

*(A) A four (4) year IPC classification will be issued to applicants who meet the certification requirements and possess less than four (4) years of state-approved teaching experience;*

*(B) During the valid dates of the IPC classification, the certificate holder shall complete the following requirements:*

*1. Verification of four (4) years of state-approved teaching experience;*

*2. Develop and implement a professional development plan of at least thirty (30) contact hours, approved by the employing school district, to include clearly stated goals for improvement and enrichment;*

*3. Participate in a mentoring program for a minimum of two (2) school years **as defined in 5 CSR 20-400.380**, the guidelines for which shall be established by the local board of education;*

*4. Participate in a beginning teacher assistance program [designed in cooperation with a Missouri teacher education program] **as defined in 5 CSR 20-400.385** to include, but not be*

*limited to, assistance in classroom management, instructional strategies, and ongoing support; and*

*5. Participate in the district's Performance-Based Teacher Evaluations (PBTEs) **as defined in 5 CSR 20-400.375**; and/or*

*(C) Individuals who have not been employed in a school setting may renew their certificate upon [a showing of good cause and] **completion** of the following:*

*1. [Written request for renewal] **Submission of an application**; and*

*2. **Employment by a Missouri public school district and [D]documentation** of completion of a plan to complete twenty-four (24) contact hours of professional development within six (6) months prior to or after returning to an educational position **or completion of a two or three semester hour course relevant to the individuals growth as a professional educator.***

*[(7)](6) Career Continuous Professional Classification (CCPC)—*

*(A) A CCPC classification will be issued to an applicant upon completion and verification of the following:*

*1. Four (4) years of state-approved teaching experience;*

*2. The development and implementation of a professional development plan of at least thirty (30) contact hours approved by the employing school district to include clearly stated goals for improvement and enrichment;*

*3. Participation in a mentoring program for a minimum of two (2) school years **as defined in 5 CSR 20-400.380**, the guidelines for which shall be established by the local board of education;*

*4. Participation in a beginning teacher assistance program [designed in cooperation with a Missouri teacher education program] **as defined in 5 CSR 20-400.385**, to include, but not be limited to, assistance in classroom management, instructional strategies, and ongoing support; and*

*5. Participation in the district's PBTEs **as defined in 5 CSR 20-400.375**;*

*(B) The CCPC classification is continuous upon verification by the employing school district that the certificate holder has completed fifteen (15) contact hours of professional development per school year; **and***

*[1. Individuals possessing a CCPC who do not complete fifteen (15) contact hours of professional development each school year, may within two (2) school years make up the missing hours. The individual must first meet the fifteen-(15-) hour requirement for the current school year and then count the excess hours as makeup hours;*

*2. A CCPC becomes inactive if the individual does not make up the requisite hours within two (2) school years; and/or*

*3. A CCPC may be reactivated by the individual completing twenty-four (24) contact hours of professional development within six (6) months prior to or after the reactivation of the certificate. Failure of the individual to complete the twenty-four (24) contact hours within six (6) months will result in the certificate becoming inactive; and]*

*(C) The CCPC holder is exempt from the fifteen (15) contact hours of professional development, if the holder has a local professional development plan in place with the school and at least two (2) of the following:*

*1. Ten (10) years of state-approved teaching experience;*

*2. A master's degree from an accredited college or university; and/or*

*3. Certification from the National Board for Professional Teaching Standards, or for school psychologists, the certificate of nationally certified school psychologist issued by the National Association of School Psychologists (NASP)[, or for speech-language pathologists, the certificate of clinical competence in speech-language pathology issued by the American Speech-Language-Hearing Association (ASHA)].*

*[(8)](7)* Any level of a Missouri professional classification shall be extended for a teacher whose service is interrupted due to a reduction in force (RIF) or military service.

*[(9)]* *Individuals who have not been employed in a school setting for three (3) or more school years may reactivate the appropriate level of professional classification certificate of license to teach by completing twenty-four (24) contact hours of professional development within six (6) months prior to or after returning to an educational position.]*

*[(10)](8)* The local district and teacher shall submit, on an upgrade application form provided by *[DESE] the department*, a request for renewal and/or continuation of a particular classification level; verification that the teacher has completed the requirements of a particular classification level and/or the request for advancement to the next classification level.

*[(11)](9)* Any certificate holder denied certification by the board pursuant to this rule may appeal the decision pursuant to the rules promulgated by the board.

*[(12)](10)* Any certificate holder's disagreement with the school district's verification of requirements for the classification levels shall be dealt with through an appeal process developed by the school district's local board of education.

*[(13)](11)* Approved teaching experience, as described in the rules promulgated by the board, must be in Missouri public schools, schools approved or accredited by the state education agency in states other than Missouri, or in nonpublic schools accredited by *[an affiliate of the National Federation of Nonpublic School State Accrediting Associations, or]* one (1) of the six (6) regional accrediting associations for schools and colleges, *[or by the University of Missouri-Columbia,]* or other schools accredited by a *[DESE]department*-approved accrediting agency which incorporate standards that include *[an entry-year mentor program]* a two- (2-) year mentoring program as defined in 5 CSR 20-400.380, professional development plans for faculty, in-service training for faculty, beginning teacher assistance program as defined in 5 CSR 20-400.385, and PBTEs as defined in 5 CSR 20-400.375. Teaching experience must be contracted and at least half-time. Substitute teaching or serving as a teacher's aide, **paraprofessional**, or assistant will not be counted as teaching experience.

*[(14)](12)* Provisional certificates of license to teach may be issued to an individual for two (2) years and may be extended upon a showing of good cause. Provisional certificates of license to teach may be issued in the following situations:

(A) A two- (2-) year provisional certificate of license to teach may be issued to an individual who has completed the academic requirements for a certificate of license to teach, but has not taken or passed the exit assessment(s) designated by the board; or

(B) A two- (2-) year provisional certificate of license to teach may be issued to an individual who has been admitted into a state-approved post-baccalaureate or alternative professional education program at a Missouri institution of higher education and is actively engaged in coursework to satisfy the requirements of the program; or

(C) A two- (2-) year provisional certificate of license to teach may be issued to an individual who has completed a teacher preparation program and is generally within twelve (12) semester hours of completion of the certification requirements as set forth in *[the compendium]* 5 CSR 20-400.500-5 CSR 20-400.600.

*[(15)](13)* Administrator certificates of license to teach may be issued to an individual and renewed pursuant to *[the requirements found in the compendium and the rules promulgated by the board]* 5 CSR 20-400.610-5 CSR 20-400.630.

*[(16)](14)* Student services certificates of license to teach may be issued to an individual and renewed pursuant to *[the requirements found in the compendium and the rules promulgated by the board]* 5 CSR 20-400.640-5 CSR 20-400.650.

*[(17)](15)* Substitute certificates of license to teach may be issued to an individual for four (4) years pursuant to *[the requirements found in the compendium and the rules promulgated by the board]* 5 CSR 20-400.220.

*[(18)](16)* Career education certificates of license to teach may be issued to an individual and renewed pursuant to *[the requirements found in the compendium and the rules promulgated by the board]* 5 CSR 20-400.660-5 CSR 20-400.690.

*[(19)](17)* Adult education and literacy certificates of license to teach may be issued to an individual and may be renewed pursuant to *[the requirements found in the compendium and the rules promulgated by the board]* 5 CSR 20-400.700.

*[(20)](18)* Temporary authorization certificates of license to teach may be issued to an individual for one (1) year and may be renewed pursuant to *[the requirements found in the compendium and the rules promulgated by the board]* 5 CSR 20-400.180.

**AUTHORITY:** *sections [161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2011, and sections 168.011, 168.128, 168.405, and 168.409, RSMo 2000] 161.092, 168.011, 168.071, 168.081, 168.128, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2021. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 22, 2021.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to [educatorquality@dese.mo.gov](mailto:educatorquality@dese.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 6—DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT**

### **Division 10—Commissioner of Higher Education [and Workforce Development]**

#### **Chapter 14—[Limit on] Tuition Increases**

#### **PROPOSED AMENDMENT**

**6 CSR 10-14.010 [Limit on] Tuition Increases.** The Department of Higher Education and Workforce Development is amending the chapter and rule title, sections (1)–(3), and removing sections (4) and (5).

**PURPOSE:** *This rule amendment changes the administrative rule to comply with statutory changes to section 173.1003, RSMo due to the passage of HB 297 in 2021.*

(1) Definitions.



(A) Academic year means the fall and spring semesters between August 1 and July 31 of one (1) three hundred sixty-five- (365-) day period.

[(B)] *Average tuition means the sum of all included institutions' tuition for the current academic year divided by the number of included institutions. This figure will be determined by adding the tuition of each public four- (4-) year institution and State Technical College, then dividing by the number of included institutions. If any community college has tuition that is equal to or exceeds the aforementioned average tuition, the average tuition shall be recalculated to include that community college's tuition.*

(C) *Booked tuition means the amount of tuition and required fees an institution records with Missouri Department of Higher Education (MDHE) as permitted under this rule, but not actually charged during an academic year. Booked tuition is included in an institution's allowable annual increase and the average tuition, but is waived for students in the year that it is initially booked. Booked tuition may be charged in future years without counting further towards an institution's allowable increase when charged.*

[(D)](B) CBHE means the Coordinating Board for Higher Education.

[(E)](C) Commissioner means the Commissioner of Higher Education.

(D) *Course fees means those fees in addition to tuition charged to full-time undergraduate students for enrollment in specific courses, excluding student approved fees and required fees.*

[(F)] *Consumer price index or CPI means the consumer price index for all urban consumers, 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor or its successor agency, for December of the current year compared to December of the previous year.*

(E) *Differential tuition or differentiated tuition means a system of charging tuition in which Missouri resident undergraduate students enrolled full-time in certain undergraduate degree programs designated by the institution are charged tuition at additional rates or amounts greater than what is charged to each Missouri resident undergraduate student for courses required for that degree program. The additional rates or amounts of tuition in a differentiated tuition system must be based on enrollment in the designated degree program and not based on enrollment in specific courses.*

(F) *Elective means a course or class taken by a student which does not satisfy any required component of a degree program, including required general education courses, for which an institution is charging differentiated tuition.*

(G) *[Fee established by the student body of the institution or s/Student approved fee means any fee the amount of which has been approved by a majority of students who vote in a campus-wide election or by a majority of members of an officially recognized student government organization popularly elected by the students of an institution or a campus within a multi-campus system.*

[(H)] *FTE means full time equivalent.*

[(I)](H) *Included institution means all institutions that offer four- (4-) year degree programs, State Technical College, and any community college that charges out-of-district Missouri residents tuition that is equal to or exceeds the average tuition.*

[(J)](I) *Institution means an approved public institution of higher education, as defined in section 173.1102, RSMo. An institution that is comprised of more than one (1) campus at which the same level of degree is offered shall constitute one (1) institution for purposes of this rule.*

[(K)] *Institutional aid means the aid awarded to the student by the student's institution of higher education only from such institution's funds. It does not include the following: Pell Grants; state awards such as the Missouri higher educa-*

*tion academic scholarship program, the A+ schools program, and the access Missouri financial aid program; foundation scholarships; third-party scholarships; employee and dependent fee waivers; and student loans.]*

[(L)](J) MDHEWD means the Missouri Department of Higher Education and Workforce Development.

[(M)] *Mid-year tuition increase means any ongoing increase in tuition that occurs after an institution has submitted its initial notice of tuition change to the MDHE, or any amended notices of tuition change related to the initial notice of tuition change, the duration of which extends beyond the end of the academic year in which it is initially imposed.]*

[(N)](K) *Notice of tuition change means written documentation in a format prescribed by MDHEWD, the accuracy of which is attested by the institution's president or chancellor, indicating the tuition for the current academic year, the tuition for the upcoming academic year, and the percentage change between the two (2).*

[(O)] *Net tuition revenue means the net amount of tuition and required fees collected from resident degree-seeking undergraduates reduced by institutional aid only during the fiscal year in which the increase is charged.]*

[(P)](L) *Required fees means those fees charged to all full-time undergraduate students and excludes course [- and program-specific] fees and any student approved fee established after August 27, 2007.*

[(Q)] *State appropriations means the state operating appropriation for the prior year per FTE student for the prior year compared to the state operating appropriation for the current year per FTE student for the prior year.*

(R) *State operating appropriation means the total dollar amount appropriated by the Missouri Legislature for an institution's core operating appropriation for the fiscal year, exclusive of capital appropriations and any amount withheld by the governor or legislature.*

(S) *State operating support means the funding actually disbursed from state operating appropriations to approved public institutions and does not include appropriations or disbursement for special initiatives or specific program additions or expansions. To qualify as special initiatives or specific program additions or expansions, it must be separated out in its own line item. Performance funding will be considered as a part of an institution's state operating support regardless of if the legislature decides to appropriate it as a separate line item(s).*

(T) *Temporary tuition surcharge means any temporary increase in tuition that is assessed in addition to the amount indicated by an institution in its initial notice of tuition change, or in any amended notices of tuition change related to the initial notice of tuition change. The time period during which a temporary tuition surcharge is assessed shall not extend beyond the end of the academic year in which the surcharge is initially imposed.]*

[(U)](M) *Tuition means the dollar amount an institution charges each Missouri resident undergraduate student enrolled in thirty (30) credit hours plus the required fees for the academic year. In the community college context, "tuition" means out-of-taxing-district Missouri resident tuition plus the required fees for the academic year.*

#### [(2)] *Limits on Tuition Increases.*

(A) *Any institution with tuition that is greater than the average tuition shall not increase tuition for the next academic year at a percentage rate that exceeds the percentage increase in the CPI or zero, whichever is greater, plus a percentage of not more than five percent (5%) that would produce an increase in net tuition revenue no greater than the dollar amount by which the state operating support was reduced for the prior fiscal year, if applicable. Booked tuition will count toward an institution's allowable increase and the average tuition in the year it is initially booked.*

(B) Any institution with tuition that is less than the average tuition shall not increase tuition for the next academic year in a dollar amount that exceeds the product of either zero or the percentage change in the CPI, whichever is greater, times the average tuition, plus a percentage of not more than five percent (5%) that would produce an increase in net tuition revenue no greater than the dollar amount by which the state operating support was reduced for the prior fiscal year, if applicable. Booked tuition will count toward an institution's allowable increase and the average tuition in the year it is initially booked.

(C) A community college shall be required to abide by the limitations and procedures set forth in this rule only if its tuition is greater than or equal to the average tuition.

(D) Any institution that exceeds the limits set forth in subsection (A) or (B) of this section shall remit five percent (5%) of its state operating appropriation during the fiscal year in which the tuition increase will take place to the state's general revenue fund or request a waiver of the five percent (5%) penalty pursuant to section (4) of this rule.

### (3) Notification Procedure.

(A) By December 1 of each year, MDHE will notify all institutions of the average tuition. This notice will also indicate which institutions have higher than average tuition, which institutions have lower than average tuition, and which institutions will be exempt from the requirements of this rule for the upcoming academic year.

(B) By January 31st of each year, MDHE will notify all institutions of the prior year's CPI and their allowable increase.

(C) By July 1 of each year, each institution must submit its notice of tuition change to the CBHE, via MDHE. If the notice of tuition change is discovered to be inaccurate or becomes inaccurate due to changes in underlying data or assumptions, the institution shall notify MDHE immediately and submit a corrected notice of tuition change as soon as practicable.

(D) Any institution that imposes a mid-year tuition increase and/or temporary tuition surcharge must provide a notice of tuition change reflecting the increase as soon as it is practically possible to do so and will submit to the following:

1. If the mid-year tuition increase and/or temporary tuition surcharge plus the tuition initially indicated in the institution's notice of tuition change exceed the increase permitted by this rule, the institution must abide by the terms of this rule.

2. Because any mid-year tuition increase and/or temporary tuition surcharge will likely be associated with exigent circumstances, the Commissioner and the CBHE recognize that the timeline this rule sets forth for the normal appeals process may be too lengthy for mid-year appeals. The Commissioner and the CBHE will address mid-year appeals in as expeditious a manner as possible, and any institution seeking a waiver under this rule is expected to provide all required information in a like manner. All parties will honor the intent of the timeline this rule sets forth for the normal appeals process, and adequate time for public comment, preparation of responses, consideration of arguments, and deliberation will be afforded.

3. If an institution imposes a mid-year tuition increase, the figure used to calculate the amount the institution may increase tuition the following year will be the amount indicated in the institution's initial notice of tuition change, or in any amended notices of tuition change related to the initial notice of tuition change, plus any mid-year tuition increase.

4. If an institution imposes a temporary tuition sur-

charge, the figure used to calculate the amount the institution may increase tuition the following year will be the amount indicated in the institution's initial notice of tuition change, or in any amended notices of tuition change related to the initial notice of tuition change, plus any mid-year tuition increase, but shall not include any amount attributable to a temporary tuition surcharge.

(E) Within 15 calendar days of receiving the institution's notice of tuition change, MDHE will notify the institution that its notice of tuition change has been received and whether its tuition increase triggers the penalty described in subsection (2)(D) of this rule.

### (4) Penalty Waiver Process.

(A) No later than thirty (30) calendar days after receiving MDHE's notification that the tuition increase triggers the penalty, an institution may submit a request for a waiver of the penalty. The waiver request must set forth each factor the institution contends supports its decision to increase tuition in excess of the limits set forth in this rule.

(B) No later than forty-five (45) calendar days after the institution submits its waiver request, the commissioner will meet with the institution at a time and place agreeable to all parties.

(C) The commissioner may ask an institution to submit additional or clarifying written material to supplement the institution's waiver request before or after the meeting. Such requests from the commissioner may include, among others, information regarding the areas of inquiry listed in section (5) of this rule.

(D) An institution requesting a waiver must provide all information requested by the commissioner in a timely manner.

(E) All written materials, including, but not limited to, notices of tuition change and waiver requests, submitted to the commissioner in connection with this rule will be considered public information and will be posted on MDHE's website. The MDHE website will specifically advise members of the public that they may submit written comments about any of the posted material to the commissioner at any time before the meeting of the commissioner and the institution requesting a waiver takes place. The commissioner may determine the weight each comment should be afforded and may consider the comments in determining whether to grant a waiver. Copies of all comments must be provided to the institution requesting a waiver within three (3) calendar days of the date the comment is received.

(F) Unless otherwise agreed, the meeting of the commissioner and the institution requesting a waiver will be led by the commissioner and may include other individuals as requested by the commissioner. The institution will have an opportunity to present its rationale for seeking a waiver and to address any comments received from the public. The commissioner and/or his/her staff will have an opportunity to ask questions of the institution.

(G) The commissioner will notify the institution whether he/she has determined that its tuition increase is sufficiently warranted within twenty (20) calendar days of the meeting or within twenty (20) calendar days after the institution has provided all information requested by the commissioner, whichever is later. If the commissioner finds that the tuition increase is not sufficiently warranted, such notice shall be in writing and shall state the reasons that such increase was deemed not sufficiently warranted. The notice will also inform the institution what percentage, if any, of its state operating appropriation the commissioner recommends the institution be required to remit to the state's general revenue fund.

(H) If the commissioner determines that the tuition increase is not sufficiently warranted, the institution shall have ten (10) calendar days to submit an amended notice of tuition change and the rationale for the tuition rate set forth in the amended notice of tuition change, to agree to increase tuition only at the level permitted by section (2) of this rule, or to maintain its original position. In any case, the institution shall notify the commissioner of its decision in writing within ten (10) calendar days after the commissioner notifies the institution that the initial tuition increase is not sufficiently warranted.

(I) If the institution submits an amended notice of tuition change—

1. The commissioner shall consider the amended notice of tuition change and the rationale for the tuition rate set forth in the amended notice of tuition change and shall meet with the institution if deemed necessary by the commissioner;

2. The commissioner will notify the institution whether he/she has determined that the tuition increase set forth in the amended notice of tuition change is sufficiently warranted within twenty (20) calendar days of the meeting or within twenty (20) calendar days after the institution has provided all information requested by the commissioner, whichever is later;

3. If the commissioner finds that the tuition increase is not sufficiently warranted, such notice shall be in writing and shall state the reasons that such increase was deemed not sufficiently warranted. The notice will also inform the institution what percentage, if any, of its state operating appropriation the commissioner recommends the institution be required to remit to the state's general revenue fund;

4. If the commissioner determines that the tuition increase set forth in the institution's amended notice of tuition change is not sufficiently warranted, the institution shall have ten (10) calendar days within which to either agree to increase tuition only at the level permitted by section (2) of this rule or to maintain the position indicated in its amended notice of tuition change. In either case, the institution shall notify the commissioner of its decision in writing within ten (10) calendar days after the commissioner notifies the institution that the amended tuition increase is not sufficiently warranted; and

5. An institution may not submit more than one (1) amended notice of tuition change per academic year unless requested by the commissioner.

(J) If the commissioner determines that the tuition increase is not sufficiently warranted and the institution decides to maintain its original and/or amended position rather than to increase tuition only at the level permitted by section (2) of this rule, the commissioner must notify the CBHE of his/her determination and recommendation as to what percentage of the institution's state operating appropriation the commissioner recommends the institution be required to remit to the state's general revenue fund.

(K) If the commissioner determines that the tuition increase is not sufficiently warranted, the CBHE will determine what, if any, percentage of the institution's state operating appropriation must be remitted to the state's general revenue fund at its next regularly scheduled meeting or at a specially called meeting, by means of a majority vote of all CBHE members present at the meeting, whether present in person or by electronic means; provided, however, that no vote will be made on the matter unless a quorum is established. The institution will have an opportunity to present each factor it believes supports its decision to increase tuition to the CBHE. The CBHE's decision will be binding and final.

(L) If the CBHE votes to impose a penalty, the penalty shall be up to five percent (5%) of the institution's state operating appropriation during the fiscal year in which the tuition increase will take place. The penalty shall be a one- (1-) time penalty only. The institution shall remit the penalty to the state's general revenue fund no more than thirty (30) calendar days after the date the CBHE votes to impose the penalty.

(M) All written material submitted by an institution in connection with this rule shall be submitted in electronic form.

(N) The commissioner, at his/her discretion, may agree to extend any deadline described in this rule.

(O) Throughout his/her tenure, the commissioner will be committed to addressing waiver requests in a timely manner. Failure by the commissioner to meet any deadline described in this rule shall not, however, invalidate the process.

(P) This rule is not intended to inhibit institutions' ability to engage in conversations with the commissioner, MDHE staff, or the CBHE about issues of interest to members of the higher education community, including tuition.

#### (5) Penalty Waiver Decision Criteria.

(A) The commissioner shall consider all written and verbal information provided by an institution and through public comments in the waiver request process when determining whether the tuition increase is sufficiently warranted. The commissioner may request the institutions to provide information about the number of students enrolled at satellite or branch campuses, in online classes, or in distance education programs at each institution, and the tuition charged for each such type of education. The commissioner may evaluate information outside the institution-provided material to the extent necessary to ensure a fair and complete decision, though any attempt to do so will not relieve the institution of its burden to produce a complete and accurate decision-making record.

(B) The determination of whether an institution's tuition increase is sufficiently warranted will be based on the relationship between state appropriations and the consumer price index. The commissioner may also consider extraordinary circumstances, including, but not limited to:

1. Mandatory costs that have increased at a rate that exceeds the CPI, including but not limited to increased costs incurred in connection with the implementation of state or federal mandates or legal requirements;

2. Historical trends in state operating appropriations, tuition policy, and other financial issues and relationships;

3. Costs related to the institution's mission that justify growth in revenues in excess of the CPI;

4. Costs related to initiatives designed to meet specific needs or strategic goals of the state of Missouri that justify growth in revenues in excess of the CPI;

5. The current and/or historical structure of the institution's total budget, including the institution's allocations for faculty and non-faculty salaries, institutional financial aid, student support, research, physical plant maintenance, and other operational activities;

6. Damage, destruction, or deterioration of facilities, infrastructure, property, or other physical assets of an institution for which there are insufficient funds from state appropriations or insurance proceeds to repair or replace;

7. Public comments about the material posted on MDHE's website pertaining to the institution's waiver request; and

8. Magnitude of tuition increase and the likely impact on the students the institution serves.]

#### (2) Notice of Tuition Increases.

(A) By July 1 of each year, beginning July 1, 2022, each included institution must submit its notice of tuition change to the CBHE, via MDHEWD. If the notice of tuition change is discovered to be inaccurate or becomes inaccurate due to changes in underlying data or assumptions, the institution shall notify MDHEWD immediately and submit a corrected notice of tuition change as soon as practicable.

(B) Any institution that imposes a mid-year tuition increase and/or switches to differential tuition mid-year must provide a notice of tuition change reflecting the increase as soon as it is practically possible to do so.

### (3) Differentiated Tuition.

(A) An institution may utilize differentiated tuition. An institution that is comprised of more than one (1) campus at which the same level of degree is offered may decide to use differentiated tuition at all of its campuses or only at designated campuses.

(B) If an institution decides to utilize differentiated tuition, it must notify MDHEWD of that decision no later than thirty (30) days before the differentiated tuition is implemented. An institution that is comprised of more than one (1) campus at which the same level of degree is offered must provide such notification to MDHEWD for each campus at which differentiated tuition is to be implemented.

(C) When charging differentiated tuition, an institution must discontinue charging course fees for courses taken towards the degree program for which the institution is charging differentiated tuition. Institutions may continue charging course fees for electives. Course fees can be charged until differentiated tuition is implemented and an institution may collect any course fees that were charged prior to implementation of differentiated tuition.

*AUTHORITY:* section 173.1000, RSMo 2016, and section 173.1003, RSMo Supp. [2018] 2021. Original rule filed April 30, 2019, effective Oct. 30, 2019. Amended: Filed Sept. 24, 2021.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support or in opposition to this proposed amendment with the Department of Higher Education and Workforce Development, General Counsel, PO Box 1469, Jefferson City, MO 65102-1469. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 7—Security and Surveillance

### PROPOSED AMENDMENT

**11 CSR 45-7.130 Non-[g]Gambling Hours.** The commission is amending the purpose statement and section (1).

*PURPOSE:* This amendment modifies staffing requirements during non-gambling hours.

*PURPOSE:* This rule establishes required surveillance [coverage] staffing during non-gambling hours.

(1) At least ~~two (2)]~~ **one (1)** trained surveillance operator/s] must be on duty in the casino surveillance room actively monitoring activities during non-gambling hours when no drops and counts are being conducted. **Additional personnel shall be available to allow for meals and breaks.**

*AUTHORITY:* sections 313.004[, 313.800, 313.805,] and 313.824, RSMo 2016, and section 313.805, RSMo Supp. 2021. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Feb. 26, 2001, effective Sept. 30, 2001. Amended: Filed Nov. 1, 2018, effective June 30, 2019. Amended: Filed Sept. 30, 2021.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment via email to [MGCPolicy@mgc.dps.mo.gov](mailto:MGCPolicy@mgc.dps.mo.gov), or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for December 2, 2021, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 9—Internal Control System

### PROPOSED AMENDMENT

**11 CSR 45-9.113 Minimum Internal Control Standards (MICS)—Chapter M.** The commission is amending section (1).

*PURPOSE:* This amendment requires surveillance coverage to ensure the outcome of electronic table games and hybrid table games as well as transactions at a table game that affect Adjusted Gross Revenue are sufficiently recorded and modifies staffing requirements.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter M—Surveillance*, which ~~[has been]~~ **is incorporated by reference [herein, as] and made part of this rule as adopted by the commission on September 29, 2021, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102 and which may be accessed at <http://www.mgc.dps.mo.gov>. [Chapter M]** This rule does not incorporate any subsequent amendments or additions ~~[as adopted by the commission on May 25, 2016]~~.

*AUTHORITY:* sections 313.004 and 313.824, RSMo [Supp. 2014, section 313.800, RSMo Supp.] 2016, and sections 313.800 and 313.805, RSMo Supp. [2013] 2021. Original rule filed June 30, 2010, effective Jan. 30, 2011. Amended: Filed Dec. 5, 2013, effective Aug. 30, 2014. Amended: Filed May 26, 2016, effective Jan. 30, 2017. Amended: Filed Sept. 30, 2021.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)

in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment via email to [MGCPolicy@mgc.dps.mo.gov](mailto:MGCPolicy@mgc.dps.mo.gov), or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for December 2, 2021, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE**  
**Division 10—Director of Revenue**  
**Chapter 25—Motor Vehicle Financial Responsibility**

**PROPOSED AMENDMENT**

**12 CSR 10-25.120 Application for Certificate of Self-Insurance from Religious Denominations.** This proposal amends the purpose and sections (1) and (4)-(7).

**PURPOSE:** This amendment makes several technical changes and clarifies the requirements to obtain a Certificate of Self-Insurance.

**PURPOSE:** This rule establishes [the prerequisites necessary to] how certain religious denominations may apply for a self-insurance certificate pursuant to the provisions of section 303.220, RSMo [(Senate Bill 424, 83rd General Assembly, Second Regular Session)].

(1) [The application] **Applicants** for self-insurance authorization [shall include] will complete an application in a form prescribed by the director of revenue which will include the following:

[(A) The request for self-insurance on the letterhead of the religious denomination signed by the head of the denomination;]

(A) A notarized affidavit, as prescribed by the director of revenue, on which the affiant swears or affirms to the following:

1. That the religious denomination and all its members are discouraged from purchasing insurance, of any form, as being contrary to the religious denomination's tenets; and

2. That there are at least twenty-six (26) members in the religious denomination who own motor vehicles;

(B) A list, which is attached to the affidavit required by subsection (1)(A), of all members in the [church organization] religious denomination who own motor vehicles. There must be at least twenty-six (26) members in the [church] religious denomination who own motor vehicles. The list must include the following information:

1. The full name of the [church] member as shown on the motor vehicle application for registration;

2. The [church] member's [most] current address; and

3. A description of each motor vehicle owned by the [church] member which is registered in Missouri. The description of each motor vehicle must include the vehicle year, make, model, vehicle identification number (VIN), and current registration plate number;

[(C) A notarized affidavit from the church organization specifying that it prohibits its members from purchasing insurance, of any form, as being contrary to its religious tenets;]

[(D)](C) A written explanation of how the [church organization] religious denomination intends to settle damages[/] or personal

injuries caused in a motor vehicle accident by a member [of the church], and documentation of all vehicle claims made against the religious denomination in the past twelve (12) months, and those claims' resolutions, or an attestation that no such claims have been made in the past twelve (12) months;

[(E) Examples (statements) of how the church organization has settled or paid for motor vehicle accident claims in the past; and]

(D) A statement indicating any limits of liability of coverage by members of the religious denomination, but in no case may the self-insurance provided by the religious denomination be less than the minimum financial responsibility requirements established in Chapter 303, RSMo; and

[(F)](E) If applicable, [A] a copy of a membership charter showing affiliation with a larger [church organization] religious denomination is required when the [church] applicant has fewer than twenty-six (26) members owning motor vehicles in Missouri.

(4) Renewal of self-insurance authorization may be granted if the religious denomination maintains membership of at least twenty-six (26) [church] members owning motor vehicles. [A list of] Any addition or removal of members [and] or vehicles as described in, and required by, subsection (1)(B) shall be provided [annually] to the director prior to the member or vehicle being self-insured.

(A) The affidavit prescribed by the director in subsection (1)(A) must be completed by all religious denominations every three (3) years.

(B) A list of members and vehicles as described in subsection (1)(B) shall be provided to the director annually.

(5) The director [shall] will issue a Certificate of Self-Insurance to a religious denomination qualifying for self-insurance authorization.

(6) The director [shall] will issue [a sufficient number of identification cards] a Certificate of Self-Insurance for the organization to print and distribute for [the self-insurance religious denomination] vehicles [as provided in section 303.220, RSMo] identified by the religious denomination.

(7) The director may request documentary proof from an applicant for self-insurance authorization or a religious denomination issued a Certificate of Self-Insurance to demonstrate that the religious denomination has unencumbered assets equal to at least the minimum financial responsibility requirements established in Chapter 303, RSMo. The religious denomination will have thirty (30) days from the date the request is made to provide the proof required by this section. Failure to timely respond or to provide adequate proof may be considered reasonable grounds to cancel a Certificate of Self-Insurance in accordance with section (8).

[(7)](8) The director, upon reasonable grounds and after giving ten (10) days[/] notice, shall cancel a Certificate of Self-Insurance. Reasonable grounds may include, but not be limited to, failure of the self-insured to settle a claim or satisfy a court judgment [or], receipt of notice of bankruptcy proceedings by the self-insured, failure to provide documentary proof as required by section (7), or evidence establishing the falsity of any information on which the department relies in issuing a Certificate of Self-Insurance. The director shall notify the [self-insured] religious denomination in writing of [his/her] their decision and provide the [self-insured] religious denomination an opportunity [to have an] for a contested administrative hearing. The administrative hearing shall be conducted in accordance with section 303.290, RSMo, and Chapter 536, RSMo.

**AUTHORITY:** section 303.290, RSMo [1986] 2016. Original rule find Sept. 8, 1989, effective Jan. 26, 1990. Amended: Filed Nov. 26, 1991, effective April 9, 1992. Amended: Filed Sept. 24, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 35—Children's Division  
Chapter 71—[Licensing] Rules for Residential Treatment  
Agencies for Children and Youth**

**PROPOSED AMENDMENT**

**13 CSR 35-71.010 Definitions and Principles Generally Applicable to this Chapter.** The division is amending the chapter title and title of the rule, adding a new section (1) and (2), deleting sections (2), (3), (4), (11), (16), (18), and (21), and is moving the remaining sections into subsections under the new section (2).

**PURPOSE:** The amendment to this rule establishes the general principles that DSS will apply in implementing Chapter 71. It also defines words and phrases used in the process that License-Exempt Residential Care Facilities must use to notify DSS of their operations in Missouri. Finally the amendment defines words and phrases used in the rules for residential treatment agencies for children and youth in Chapter 71 and amends the title of the rule.

*[(1) Chemical restraints are drugs which are prescribed or administered to temporarily restrain a child who presents a likelihood of serious physical harm to him/herself or others.*

*(2) Child is any individual under eighteen (18) years of age as defined in section 210.481(1), RSMo.*

*(3) Child abuse/neglect background check is, at a minimum, a search of the family care safety registry for residential treatment agencies for children and youth staff child abuse/neglect history pursuant to sections 210.903 through 210.936, RSMo.*

*(4) Criminal background check is, at a minimum, a search of the family care safety registry for residential treatment agencies for children and youth staff criminal history pursuant to sections 210.903 through 210.936, RSMo.]*

**(1) The following principles shall apply to all decisions made pursuant to this chapter:**

**(A) The safety and welfare of children is paramount;**

**(B) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis;**

**(C) Services to children and their families which are provided by the division and licensed residential care facilities shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;**

**(D) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which**

**shall be consistent with federal and state standards;**

**(E) Resources and efforts of the division and licensed residential care facilities shall be committed to pursue the best possible opportunity for a successful outcome for each child. In the case of children and youth who are in the foster care system, successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four- (24-) hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child's needs as well as the quality of care received; and**

**(F) All licensed service providers shall prioritize methods of reducing or eliminating a child's need for residential treatment through community-based services and supports.**

**(2) For the purpose of all regulations in 13 CSR Chapter 71, unless otherwise specified or unless the context clearly requires otherwise, the definitions of terms specified in sections 210.110, 210.481, 210.1253, RSMo, and 13 CSR 35-71.015 shall apply to all of the regulations in this chapter. The singular includes the plural and plural includes the singular. In addition, the following terms are defined as follows:**

**(A) "Agency" in the context of regulations governing licensed residential care facilities shall mean the same as licensed residential care facility or LRCF;**

**(B) "Background check" means a background check which complies with the requirements of 210.493, RSMo, and 13 CSR 35-71.015;**

**(C) "Chemical restraints" are drugs which are prescribed or administered to temporarily restrain a child who presents a likelihood of serious physical harm to him/herself or others;**

**[(5)](D) A "critical incident" is an incident involving a child in the care of the agency, in which the child or another person directly involved with the child is placed at significant risk of death, serious physical, mental, or sexual harm. A critical incident may involve conduct of the child, other children, and/or acts or omissions of staff of the agency. Examples of critical incidents include, but are not limited to: injury of a child during physical restraint; serious physical or sexual aggression by or toward the child; significant physical injuries requiring medical attention; allegations of sexual abuse; criminal conduct involving the child; elopement; attempted suicide; fire setting; child death; and information which must be reported to the child abuse and neglect hotline pursuant to 210.115, RSMo. A "critical incident report" is a report documenting a critical incident./;**

**[(6)](E) "Director" is the director of the Children's Division./;**

**[(7)](F) "Division" is the Children's Division of the Department of Social Services of Missouri as defined in section 210.481(3), RSMo./;**

**(G) "Elopement" is when a child leaves a facility or designated area off the campus of a LRCF without permission and places the child out of sight and sound of direct supervision;**

**[(8)](H) "Family [c]/Care [s]/Safety [r]/Registry" [pursuant to sections 210.903 through 210.936, RSMo, is established to protect children, the elderly, and disabled individuals in the state and to promote community safety by providing information concerning family caregivers as established within the Department of Health and Senior Services. The registry contains information on child-care workers' and personal-care workers' background and child-care, elder-care, and personal-care providers as specified in section 210.903.2(1)-(8), RSMo.] means the family care safety registry administered by the Department of Health and Senior Services;**

**[(9)](I) "Good standing" refers to a licensed residential treatment agency for children and youth in substantial compliance with Chapter 71 of the Children's Division residential treatment agencies for children and youth rules and is not under involuntary intake suspension, license denial, license suspension, and/or license revocation./;**

[(10)](J) "Intensive residential treatment" for children and youth is provided in a living unit of an agency for gravely, emotionally dys-regulated youth that has the capability of providing a highly structured and secure environment to prevent runaway behavior, address the likelihood of rage and physical aggression, and minimize the likelihood of youth injuring themselves or others. Intensive residential treatment for children and youth may be achieved through a combination of staffing patterns, architectural design of the operating site, electronic monitoring of the operating site and its exits, or other means necessary to assure safety[.];

[(11)] License is the legal document issued to an agency by the division for a period not to exceed two (2) years which authorizes the agency to provide twenty-four- (24-) hour care for children, subject to compliance with sections 210.481 - 210.536, RSMo, and the applicable rules promulgated by the division (section 210.481(6), RSMo).

(12) "Mechanical restraints" are any device, instrument, or physical object used to confine or limit a child's freedom of movement, except when necessary for orthopedic, surgical, and other medical purposes, or when necessary, to transport a child that may abscond or cause injury during transportation. Support devices used in normal situations to achieve proper body position and balance are not mechanical restraints.

(13) "Medical examination" is a thorough physical examination conducted by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician. It may include a variety of tests, depending on the age, sex, and health of the person being examined, that includes tests for communicable diseases including, but not limited to, tuberculosis and hepatitis, when recommended by a licensed physician. It should also include a statement of the patient's mental state as determined by a licensed physician.

(14) Operating site is any building of a licensed agency in which children reside.

(15) Physical restraint is physical holding involving restriction of a child's voluntary movement to temporarily restrain an agitated, violent, or aggressive child who presents a likelihood of serious physical harm to him/herself or others.

(16) Residential treatment agency for children and youth is an agency providing twenty-four-(24-) hour care and treatment to children who are unrelated to the person operating the agency and who are unattended by a parent or guardian (as defined in section 210.481(10), RSMo, as residential care facility).

(17) Social services are planned psycho-social interventions that are intended to lead to increased individual and family self-sufficiency, and empowerment, and will support the child's transition from the placement into the family or community. Social services shall include, but shall not necessarily be limited to, individual, family, or group therapy, provided in conjunction with other age and developmentally appropriate expressive, experiential, and adjunct activities.

(18) Staff are persons employed by an agency.

(19) Transitional living services are services provided to older adolescents that combine life skills training with opportunities to practice same. The goal of such services is to prepare

the youth for successful adult living in the community upon their discharge from residential treatment for children and youth.

(20) Variance is a minor, time limited, deviation from a rule that may be requested by a licensed residential treatment for children and youth agency on a form prescribed by the division and approved or denied by the division. Approval may be granted by the division when a variance does not negatively impact child health and safety and is not under the purview of another regulatory entity. Examples include, but are not limited to, time limited deviations in licensed capacity and age range.

(21) Volunteer is any person who provides direct services to children within an agency, either on or off the premises, without financial compensation.

(22) Well-known religious order, church, and religious organization" are defined as follows:

(A) A church, synagogue, or mosque;

(B) An entity that would qualify for federal tax exempt status as a not-for-profit religious organization under section 501(c) of the Internal Revenue Code of 1954; or

(C) An entity where the real property on which the residential treatment for children and youth operating site is located is exempt from local taxation because it is used for religious purposes.]

(K) "Mechanical restraints" are any device, instrument, or physical object used to confine or limit a child's freedom of movement, except when necessary for orthopedic, surgical, and other medical purposes, or when necessary, to transport a child that may abscond or cause injury during transportation. Support devices used in normal situations to achieve proper body position and balance are not mechanical restraints;

(L) "Medical examination" is a thorough physical examination conducted by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician. It may include a variety of tests, depending on the age, sex, and health of the person being examined, that includes tests for communicable diseases including, but not limited to, tuberculosis and hepatitis, when recommended by a licensed physician. It should also include a statement of the patient's mental state as determined by a licensed physician;

(M) "Operating site" is any building or campus of a licensed agency in which children receive care;

(N) "Physical restraint" is physical holding involving restriction of a child's voluntary movement to temporarily restrain an agitated, violent, or aggressive child who presents a likelihood of serious physical harm to him/herself or others;

(O) "Professional staff" of residential care facility are staff or contractors of the residential care facility who are qualified and required by law to be licensed in good standing to provide services for children to provide the services which they are providing. Examples of professional staff include, but are not limited to, physicians, nurses, physician assistants, teachers, licensed professional counselors, physical therapists, and occupational therapists;

(P) "Social services" are planned psycho-social interventions that are intended to lead to increased individual and family self-sufficiency and empowerment, and will support the child's transition from the placement into the family or community. Social services shall include, but shall not necessarily be limited to, individual, family, or group therapy that is provided in conjunction with other age and developmentally appropriate expressive, experiential, and adjunct activities;



(Q) “Transitional living services” are services provided to older adolescents that combine life skills training with opportunities to practice same. The goal of such services is to prepare the youth for successful adult living in the community upon their discharge from residential treatment for children and youth;

(R) “Variance” is a minor, time limited, deviation from a rule that may be requested by a licensed residential treatment for children and youth agency on a form prescribed by the division and approved or denied by the division. Approval may be granted by the division when a variance does not negatively impact child health and safety and is not under the purview of another regulatory entity. Examples include, but are not limited to, time limited deviations in licensed capacity and age range; and

(S) “Well-known religious order, church, and religious organization” are defined as follows:

1. A church, synagogue, or mosque;
2. An entity that would qualify for federal tax exempt status as a not-for-profit religious organization under section 501(c) of the Internal Revenue Code of 1954; or
3. An entity where the real property on which the residential treatment for children and youth operating site is located is exempt from local taxation because it is used for religious purposes.

*AUTHORITY: sections 207.020, 210.506, and 660.017, RSMo [2000] 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-71.010. Original rule filed May 9, 1956, effective May 19, 1956. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Amended: Filed Sept. 17, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 13—DEPARTMENT OF SOCIAL SERVICES

### Division 35—Children’s Division

### Chapter 71—Rules for Residential Treatment Agencies for Children and Youth

#### PROPOSED RULE

#### 13 CSR 35-71.015 Background Checks for Personnel of Residential Care Facilities and Child Placing Agencies

*PURPOSE: This rule establishes the processes and procedures for conducting background checks for personnel of child placing agencies, licensed residential care facilities, and residential care facilities subject to the notification requirements under sections 210.1250 to 210.1286, RSMo, as provided and authorized by section 210.493, RSMo.*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by*

*reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Definitions. For the purpose of this regulation, unless otherwise specified in this section or unless the context clearly requires otherwise, the definitions of terms specified in sections 210.110, 210.481 and 210.1253, RSMo, shall apply to this regulation. The singular includes the plural and plural includes the singular. In addition, the following terms are defined as follows:

(A) “Applicant” means any individual who applies or is required to successfully complete the background check requirements for employment or presence at the Licensed Residential Care Facility (LRCF), License-Exempt Residential Care Facility (LERCF), or Child Placing Agency (CPA) by section 210.493, RSMo. For the purposes of background checks conducted by the Missouri State Highway Patrol of the Missouri Department of Public Safety, the term “applicant” is further defined as specified in section 43.539, RSMo.

1. Except as otherwise provided in this regulation, applicants for LRCFs, LERCFs, and CPAs who are required to complete the background check process include officers; managers; contractors with unsupervised access to children; volunteers with unsupervised access to children; employees; other support staff; owners of LRCFs and LERCFs that will have access to the facilities; and owners of LERCF, LRCF, and CPA that will have access to children.

2. Except as otherwise provided in this regulation, applicants for LERCFs who are required to complete a background check also include any applicant as defined in section 43.539, RSMo, who has unsupervised contact with a resident of the LERCF. The following individuals or classes of individuals who may have unsupervised contact with a child who is a resident of an LERCF are not deemed to be applicants and are not required to submit to background checks as provided in this subsection unless otherwise required by law or court order:

A. Legal parents, step-parents, grandparents, siblings, legal guardians, and prospective adoptive parents who do not reside on or at the LERCF but who have contact or visits with a child who resides on the property of an LERCF;

B. Licensed or other lawfully qualified individuals who do not reside at or on the property of an LERCF, who are not employees, officers, volunteers, staff, support staff of the LERCF, and who provide occasional emergency professional services within the scope of their employment pertaining to a child who resides at or on the property of the LERCF; such as licensed physicians, licensed nurses, licensed emergency medical technicians, POST certified law enforcement officers, juvenile officers, division employees, prosecuting attorneys, court appointed special advocates (CASA) assigned by a court to a child who resides at an LERCF, attorneys and court appointed guardians *ad litem* for children who reside at an LERCF; and/or

C. Licensed or other lawfully qualified individuals who do not reside at or on the property of an LERCF, who are not employees, officers, volunteers, staff, support staff of the LERCF, and who provide reasonably necessary, professional services, maintenance in an emergency when it is necessary to protect the health and safety of individuals at the facility and background checks are not reasonably possible under the circumstances, or government inspections on the premises of an LERCF to ensure the health and safety of the residents such as fire, health, and safety inspectors, and nationally recognized accrediting agencies, heating, construction, electrical, and plumbing contractors;

(B) “Boarding school” includes any educational institution in which some or all of the children who attend the institution reside during their attendance at the institution. Boarding schools include



facilities where the children lodge in dorms, in private homes whose owners are contracted with, associated or affiliated with the institution, or in homes owned or operated by the institution regardless of whether or not the child's residence is located on or off the institution's campus;

(C) The "department" or the "division" shall refer to the Children's Division of the Missouri Department of Social Services;

(D) "Employee" is any individual who works in the service of a LERCF, LRCF, or Child Placing Agency under an express or implied contract for hire, whether written or unwritten, full time or part time, under which the LERCF, LRCF, or Child Placing Agency has the right to control the details of work performance in whole or in part. Staff can be employees and employees can be staff;

(E) "Licensed Residential Care Facility" or "LRCF" means a facility providing twenty-four- (24-) hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian, and which is required to have a license to operate as a Residential Care Facility under section 210.516, RSMo. LRCFs do not include licensed foster family homes or unlicensed kinship placements made pursuant to a juvenile or family court order;

(F) "License-Exempt Residential Care Facility" or "LERCF" means any place, facility, or home operated by any person who receives children who are not related to the operator and whose parent or guardian is not a resident of the same facility and that provides such children with supervision, care, lodging, and maintenance for twenty-four (24) hours a day, with or without transfer of custody; and that is not required to be licensed under section 210.516, RSMo. Unless exempted as provided below, LERCFs include, but are not limited to, boarding schools, juvenile detention facilities, license-exempt foster homes as defined in section 210.516, RSMo, and other congregate care facilities. LERCFs do not include:

1. Hospitals, sanitariums, and clinics operated to provide medical care and treatment and operating pursuant to a valid license issued by the Missouri Department of Health and Senior Services (DHSS), the Missouri Department of Mental Health (DMH), the United States (such as Veterans' Administration Hospitals and hospitals administered by the armed forces of the United States);

2. Boarding schools operated by the Missouri Department of Elementary and Secondary Education (DESE), provided that DESE requires background checks equivalent or more stringent than the requirements of section 210.493, RSMo;

3. Foster homes and congregate care facilities or homes licensed or certified by the DMH, provided that DMH requires background checks equivalent or more stringent than the requirements of section 210.493, RSMo;

4. Juvenile corrections programs operated by the Department of Social Services, Division of Youth Services or juvenile detention facilities operated by juvenile officers or juvenile courts which are subject to the Prison Rape Elimination Act (PREA) standards and auditing;

5. Facilities operated by the Missouri Department of Corrections and county or local jails;

6. Any individual (but not a corporation, partnership, organization, or association) who receives on a voluntary basis, the child of close, personal friends or relatives as an occasional and personal guest in their personal home or the home of the child's parent, guardian, or legal custodian, who is otherwise unaffiliated with an LRCF or LERCF and who receives custody of or provides care of no other child unrelated by consanguinity, adoption, or affinity;

7. Any individual (but not a corporation, partnership, organization, or association) who is otherwise unaffiliated with an LRCF or LERCF who receives legal custody or guardianship of a child or sibling group pursuant to a judgment or order of a court of competent jurisdiction in cases where a state or local government is not a party and in cases where the judgment or order is entered by a court outside the state of Missouri, all of the requirements of the Uniform Child Custody and Jurisdiction Act, the Interstate Compact for the

Placement of Children (ICPC), or the Interstate Compact for the Placement of Juveniles (ICJ) have been fully satisfied; and

8. Any camp which is not a boarding school, which is operated solely during certain months of the year, not to exceed four (4) months, which is conducted in good faith primarily to provide recreation or religious instruction for children, in which the children do not spend more than thirty (30) consecutive overnight periods during any twelve (12) month period, and not for ongoing residential or treatment purposes;

(G) "Manager" is any individual who administers or supervises the affairs of the LERCF, LRCF, or Child Placing Agency, including, but not limited to any individual who supervises any employees, staff, or volunteers of the LERCF, LRCF, or Child Placing Agency;

(H) "Missouri State Highway Patrol" or "MSHP" shall mean the Missouri State Highway Patrol of the Missouri Department of Public Safety;

(I) "Officer" is any individual who holds an executive position with the LERCF, LRCF, or Child Placing Agency, including, but not limited to Chairperson of the Board, President, Director, Vice President, Secretary, General Counsel, Headmaster, Principal, Head Teacher, Treasurer, or any other individual listed as an officer of the LERCF, LRCF, or Child Placing Agency;

(J) "Owner" of an LERCF, LRCF, or Child Placing Agency is any individual who holds an equity interest in the LERCF, LRCF, or Child Placing Agency;

(K) "Sponsoring Organization" shall mean the entity that sponsors the LERCF, LRCF, or Child Placing agency, including, but not limited to, the sponsoring church or religious organization;

(L) "Support Staff" or "Staff" of an LERCF, LRCF, or Child Placing Agency include any individual who works for or performs services, including professional services, for the LERCF, LRCF, or Child Placing Agency, whether compensated or not. Staff can be employees and employees can be staff; and

(M) "Volunteer" of an LERCF, LRCF, or Child Placing Agency is any individual who performs a service for or on behalf of the LERCF, LRCF, or Child Placing Agency of their own free will without obligation, or without any expectation of reward or compensation.

(2) The background checks conducted pursuant to this regulation shall consist of the following:

- (A) A fingerprint-based background check of open and closed criminal history conducted in conjunction with the MSHP pursuant to section (3) of this regulation; and

- (B) A search of the national offender registry conducted by the division; and

- (C) A search of the following registries, repositories, or databases in Missouri, the state where the applicant resides, and each state where the applicant resided during the preceding five (5) years conducted by the division:

1. The state sex offender registry or repository (in Missouri this is a search of the MSHP Sex Offender Registry); and

2. The state family care safety registry (in Missouri this is a search of the family care safety registry); and

3. The state-based child abuse and neglect registry and database (in Missouri this is a search of the Central Registry of the division).

(3) All of the fingerprint-based background checks of closed criminal history conducted under this regulation shall be performed in conjunction with the MSHP solely through the authority of the Missouri Volunteer and Employee Criminal History Service (MOVECHS) and the National Child Protection Act, Public Law 103-209, as amended. No fingerprint-based, criminal background checks of federal records or closed criminal history shall be conducted under this regulation on clients, patients, and students of the LERCF or LRCF unless the fingerprint-based background check of closed criminal history is authorized by federal and state law and that individual is also an employee, staff, or volunteer of the LERCF or LRCF. The

background checks conducted in conjunction with the MSHP will be conducted pursuant to the law, statutes, regulations, and policies governing the MSHP and will include a fingerprint background check and a state open records check as provided in this section.

(A) Fingerprint background check is a state and FBI background check is required for any person who is actively employed by or seeks employment with, actively licensed or seeks licensure with, actively volunteers or seeks to volunteer with, actively contracted with or seeks to contract with, an owner or operator of a Licensed Residential Care Facility, a License-Exempt Residential Care Facility, or a Child Placing Agency, prior to having access to children.

1. The fingerprint background check will be conducted through the Missouri VECHS Program, pursuant to the National Child Protection Act, as amended.

2. Criminal history record information will consist of complete Missouri criminal history (open and closed) records, and criminal history from the Federal Bureau of Investigation. Criminal history will include convictions, arrests within thirty (30) days, pending charges and suspended imposition of sentence (SIS) during probation, not guilty findings, charges *nolle prossed*, or dismissed cases, SIS cases after probation is completed, and arrests after thirty (30) days where no charges have yet been filed or reported by the prosecuting attorney, and will include a search of the state sex offender registry.

(B) State open records check is required for any person that is not an employee, volunteer, contractor, or owner/operator, who is eighteen years of age or older, who resides at or on the property, or who has or may have unsupervised access to children for whom a License-Exempt Residential Care Facility provides care. A state open record check consists of convictions, arrests within thirty (30) days, pending charges, suspended imposition of sentence (SIS) during probation, and will include a search of the state sex offender registry.

(4) Application of this Regulation. This regulation applies to CPAs, LRCFs, and LERCFs which are subject to the notification requirements of sections 210.1250 to 210.1286, RSMo.

(A) Phase-in Period. Every LRCF, LERCF, and Child Placing Agency operating on the date that section 210.493, RSMo, and this regulation became effective shall have until December 31, 2021, for all applicants to complete background checks. The division may extend this deadline for any individual LRCF, LERCF, and Child Placing Agency, due to unusual, compelling, and extenuating circumstances beyond the control of the LRCF, LERCF, or Child Placing Agency. The request for an extension shall be in writing and shall explain the reasons for the request for an extension. Any applicant who does not complete the background check process as specified in this regulation by the deadline shall be ineligible for employment or service with an LRCF, LERCF, or Child Placing Agency until the background check process has been successfully completed.

(B) Any applicant who begins employment or service after the effective date of this regulation shall complete the background check process before beginning employment or service with an LRCF, LERCF, or Child Placing Agency.

(5) Designation of Authority. The Department of Social Services hereby designates the Children's Division of the Department of Social Services to be the division within the Department of Social Services to administer background checks as required by section 210.493, RSMo. The Department of Social Services hereby designates the Administrative Hearings Unit within the Division of Legal Services of the Department of Social Services to process and decide all appeals of applicants as provided in this regulation.

(6) Application Process.

(A) The applicant shall apply for background screening through the division's online portal on forms promulgated by the division.

The application forms and instructions are incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65102, at its website at <https://www.dss.mo.gov/provider-services/children/residential-program/background-checks.htm>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. The applicant shall submit the completed application form and upload any supporting or supplemental forms and documentation through the division's online portal. The application must be signed by the applicant (e-signature is acceptable).

1. The applicant may apply to the division for permission to file the application and supporting documentation by mail or private delivery service rather than through the online portal when there are unusual, compelling, and extenuating circumstances which make filing the application through the online portal impossible. The applicant shall apply for permission to file the application form, supporting, or supplemental materials with the division in writing, and shall explain the circumstances why the applicant cannot submit the application through the online portal. A copy of the application forms for use in submitting application by mail is incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65102, at its website at <https://www.dss.mo.gov/provider-services/children/residential-program/background-checks.htm>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. Applicants may download a copy of the forms. The applicant shall attach all documentation that may be necessary to complete the required application. If the division grants permission under this section, the applicant may submit the form with supporting materials by mail, by private delivery service, or in person to the offices of the division at Children's Division, Attn: Background Screening Team, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, Missouri 65102; or by email at [CDScreen@dss.mo.gov](mailto:CDScreen@dss.mo.gov).

(B) The application shall contain all of the following information:

1. The applicant's current, full legal name, residence address, mailing address, business address, telephone number, and email address. The applicant's mailing address and email addresses shall be the applicant's address of record for purposes of this regulation;

2. The applicant's date of birth and full Social Security number;

3. Any other names or aliases that the applicant has used or been known by during the five- (5-) year period preceding the application;

4. Any other residence address, mailing address, county and state of residence, business address, telephone number, and email address that the applicant has had during the five- (5-) year period preceding the application;

5. Whether the applicant is registered, or is required to be registered, on a state sex offender registry or repository or in the National Sex Offender Registry. If the applicant is so registered or required to be registered, the applicant shall provide the following additional information:

A. The national, federal, state, or local jurisdiction in which the applicant is registered or required to be registered;

B. The specific crime or offense for which the applicant is registered or required to be registered including:

(I) The date or approximate date that the crime or offense was committed;

(II) The statute or section number of the crime or offense;

(III) The name and address of the court where the case was adjudicated;

(IV) The case number; and

(V) The date of the plea, finding, judgment, or sentence;

6. Whether the applicant is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183, RSMo, or any other finding of child abuse or neglect based on any other state's registry or database. In states where the official registry of substantiated findings

of child abuse or neglect are made or kept by a county, this information must also be disclosed. If the applicant is listed, the applicant shall also provide:

A. The state or county registry or database in which the applicant is listed;

B. The specific finding(s) of the state or county agency and the conduct for which the applicant is listed, including:

(I) The date(s) of the conduct;

(II) The date the applicant was listed;

(III) The name and address of the state or local government entity that maintains the list;

7. Whether the applicant has ever been found guilty of or pled guilty or *nolo contendere* to any crime or offense listed in section 210.493.3(5), RSMo. If the applicant has ever been found guilty of or pled guilty or *nolo contendere* to any such crime or offense, the applicant shall also provide—

A. The national, federal, state, or local jurisdiction where the applicant was found guilty of or pled guilty or *nolo contendere*;

B. The specific crime or offense for which the applicant is registered or required to be registered, including:

(I) The date or approximate date that the crime or offense was committed;

(II) The statute or section number of the crime or offense;

(III) The name and address of the court where the case was adjudicated;

(IV) The case number; and

(V) The date of the plea, finding, judgment, or sentence;

8. Whether the applicant consents to the division notifying the LRCF, LERCF, or Child Placing Agency of its decision on eligibility or ineligibility and/or sending a copy of its eligibility or ineligibility finding to the LRCF, LERCF, or Child Placing Agency;

9. Whether the person is requesting a response and notice of final decision by first class mail or by email;

10. The name and address of any LRCF, LERCF, or Child Placing Agency that the applicant wishes the division to send a finding of eligibility or ineligibility to upon the completion of the background check process. The applicant shall further provide the name and address of the sponsoring organization, when applicable;

11. A fully completed and signed MOVECHS Waiver Agreement and Statement (SHP-981G) form. The completed and signed waiver form must be submitted with the application;

12. Acknowledgement and certification by the applicant, under penalty of perjury that all submitted information is true, accurate, and complete to the best of the applicant's knowledge; and the applicant understands that a knowing violation of section 210.493, RSMo, may constitute a criminal offense and knowingly making a materially false statement in connection with a background check shall render the applicant ineligible;

13. Any other information and documents that the applicant wishes the division to consider in making its decision about eligibility;

14. An explanation of why the applicant is unable to provide any of the information that must be provided to support the application.

(C) The applicant shall register with the Family Care Safety Registry and execute any documents necessary for the division to access the applicant's results in the Family Care Safety Registry.

(D) The applicant shall execute any authorizations necessary to obtain information from state, local, and federal registries.

(E) The applicant shall submit fingerprint cards and any required fees to the Missouri State Highway Patrol's central repository and follow all of the Missouri State Highway Patrol's procedures for requesting a fingerprint-based criminal background check. The applicant shall further execute any documents and consents necessary for the Missouri State Highway Patrol to complete the fingerprint-based criminal background check and to notify the division of any criminal history record, or lack of criminal history record information discovered on the applicant as required by law.

(F) The applicant must submit a completed MOVECHS Waiver

Agreement and Statement (SHP-981G) to the division with the application form to the division before reporting to be fingerprinted.

(G) The application will not be complete until the division receives a fully completed application form, MOVECHS Waiver Agreement and Statement (SHP-981G), form and the results of the fingerprint-based criminal background check from the Missouri State Highway Patrol, and the applicant is registered for the Family Care Safety Registry and executed any authorizations necessary to obtain information from any registries.

(H) Upon receipt of a complete application, and MOVECHS Waiver Agreement and Statement (SHP-981G), and consideration of the application, the division will notify the applicant of eligibility or ineligibility based on the background check by mailing a notice to the applicant's address of record, and send a copy to the LRCF, LERCF, or Child Placing Agency as indicated on the application.

1. The notice will indicate whether the applicant is eligible or ineligible for employment or presence at the LRCF, LERCF, or Child Placing Agency.

2. The notice will advise the applicant of the applicant's right to request administrative review and appeal the decision and the process for requesting administrative review or appeal.

3. The notice will advise the applicant of the applicant's responsibility to notify the division, LRCF, LERCF, or Child Placing Agency of any event which would impact the applicant's eligibility as provided in section 210.493, RSMo, and this regulation.

4. The notice will advise the applicant that the finding of eligibility or ineligibility was based on a background check of records through the date of the notice and for the particular LRCF, LERCF, or Child Placing Agency for which the background check was requested.

(I) If the division finds the applicant eligible, the division shall forward a copy of the finding to any LRCF, LERCF, or Child Placing Agency indicated by the applicant. If the division finds the applicant ineligible, the division shall not send a copy of the notice to any indicated LRCF, LERCF, or Child Placing Agency, until the division determines the applicant has exhausted the applicant's administrative remedies and the division has received a written consent from the applicant authorizing the division to disclose such information.

(7) Fees and Costs. The applicant, LRCF, LERCF, or Child Placing Agency shall be responsible for the payment of any and all required fees for processing the application, including any fees for the fingerprint-based background check and the Family Care Safety Registry.

(8) Notice and Communications. The division will send all communications and notices pertaining to an application and request for administrative review or appeal by first-class mail unless the applicant or entity requesting administrative review or appeal affirmatively notifies the division, in writing, that the applicant or person would like to receive communications by email and provides the division with the email address. It is the responsibility of the applicant or person to notify the division of any change in the applicant's or person's contact information. All notices shall be sent to the address or email address of record, and all correspondence sent to that address shall be deemed received and sufficient service for all purposes.

(9) The division shall not reveal any information pertaining to any disqualifying crime, offense, or other related information regarding the applicant to the LRCF, LERCF, or Child Placing Agency except as may be otherwise required by law.

(10) Continuing Obligation to Notify and Expiration of Determination.

(A) The division's decision of eligibility or ineligibility shall be based upon the information that the division receives through the background check process, and any additional information that may be made available to the division during administrative review and appeal.

(B) The division's finding is only valid through the date of the decision and only for the LRCF, LERCF, or Child Placing Agency indicated by the applicant on the application. The applicant may designate more than one LRCF, LERCF, or Child Placing Agency on a single application.

(C) The applicant shall be responsible for notifying the division of any change in circumstance which may render the applicant ineligible and shall submit a new application based upon the subsequent information.

(D) The applicant's fingerprint-based background check is valid for five (5) years from the date the fingerprints were taken, or until there is any change in the circumstances of the applicant which would render the applicant ineligible under the statute, whichever occurs first. It is the responsibility of the applicant to track the expiration date of the fingerprints and submit an application for a new background check.

(E) The division's finding automatically expires thirty (30) days from the date of the division's decision. It is the responsibility of the applicant to submit a new application for a new determination and fingerprint-based criminal background check following the procedures specified in this regulation.

(11) In making a decision whether an applicant is eligible or ineligible under section 210.493, RSMo, and this regulation, the division shall not consider the manner, content or the religious curriculum of the program, or ministry of a school or of a facility sponsored by a church or religious organization.

(12) Administrative Review and Appeal Procedure.

(A) The decision of the division shall be final unless the applicant or person who is aggrieved by a decision of the division under this regulation files a request for administrative review of the decision within fourteen (14) days of the mailing of the decision. Any request for administrative review that the division receives after the deadline is untimely and will not be subject to further administrative review or appeal.

(B) Administrative Review.

1. A request for administrative review shall be made in writing, either on a form provided by the division or by letter. The division will publish a form on its website. The request for administrative review shall—

A. Include the name, address, telephone number, and email address of the person requesting administrative review;

B. State whether the division should provide the response and notice of final decision by first-class mail or by email;

C. Identify the decision the requestor wishes to be reviewed, the specific reasons the requestor believes the division's decision is erroneous, and why the requestor is aggrieved by the decision;

D. Include copies of any relevant documents, materials, or information that the requestor wishes to submit in support of the administrative review request; and

E. State whether the person requests that the review be considered on the basis of the materials submitted or whether the person requests an in-person review conference. If the person requests a review conference, then the person shall also provide dates and times within the next thirty (30) days when the person may be available and the reasons why the administrative review cannot be processed on the basis of the materials presented.

2. The request for administrative review shall be submitted to the division by certified first-class mail through the United States Postal Service return receipt requested to the address specified on the notice of ineligibility or submitted electronically by email to the division to the email address specified in the notice of ineligibility.

3. The administrative review shall be conducted and decided based upon the written materials submitted to the division and any information and materials presented at a review conference. The division will provide an in-person conference upon written request.

4. The review conference may take place by telephone confer-

ence call, video conference, or in-person meeting.

5. The administrative review process shall be informal. The rules of evidence shall not apply. There is no right to conduct discovery. There shall be no right to compel the production of witnesses or evidence by subpoena or otherwise.

6. The administrative review shall be conducted by an individual designated by the director of the department or the division, who may be an employee of the division or the department. However, the individual shall not have been involved in making the decision which is subject to review.

7. The individual conducting the administrative review shall conduct the administrative review and render a written decision no later than thirty (30) days from the date that the division received the request for administrative review.

8. The decision upon administrative review shall be the final decision of the department as to any person that is not an applicant.

(C) Appeal.

1. Any applicant who is aggrieved by a decision upon administrative review shall have the right to appeal the decision to the Administrative Hearings Unit of the Division of Legal Services of the Department of Social Services. The applicant shall submit a notice of appeal to the division, within fourteen (14) days of the date of the administrative review decision, by certified first-class mail through the United States Postal Service return receipt requested to the address specified on the notice of ineligibility or submitted electronically by email to the division to the email address specified in the notice of decision upon administrative review. The division must receive the notice of appeal within fourteen (14) days of the date of the decision. Any notice of appeal that is received after the deadline is untimely and the appeal will be dismissed. Completion of the administrative review process is a condition precedent to the applicant's right to appeal.

2. The parties to the appeal shall be the division and the applicant.

3. All appeals shall be processed and decided by a hearing officer from the Administrative Hearings Unit of the Division of Legal Services of the Department of Social Services. The decision of the hearing officer shall be the final decision of the department.

4. The following evidence shall be admitted and considered by the hearing officer on appeal as provided in this section without further foundation:

A. A copy of the application form and all supporting documentation;

B. A copy of the record of the court establishing that the applicant pled guilty or *nolo contendere* or has been found guilty of a crime or offense listed in 210.493, RSMo;

C. A copy of a letter or official communication from the applicable state, county, or local government agency stating that the applicant is listed as a perpetrator of child abuse or neglect in the state, county, or local government agency's registry or database of perpetrators of child abuse or neglect;

D. A copy of the report of the fingerprint-based background check conducted pursuant to section (3) of this regulation; and

E. A copy of a letter, official communication, or a print out of the applicable page of the National Sex Offender Registry or state sex offender registry.

5. The applicant or division may object to the hearing officer considering the information outlined in this regulation. The burden shall be on the objecting party to establish that the items of evidence shall not be considered by the hearing officer.

6. The hearings held under this section shall be informal, but they shall be held on the record and testimony will be adduced under oath. The rules of evidence do not apply. The applicant may be represented by an attorney.

7. Upon written request the division will provide the applicant with a copy of the fingerprint-based state and FBI background check.

8. The hearing is and shall not be an opportunity to collaterally attack or re-litigate the validity of the underlying plea of guilt, plea

of *nolo contendere*, or the underlying finding of child abuse, neglect, or maltreatment by the applicable state or local agency, or the accuracy of information in the federal, state, or local registry or repository.

9. The hearing shall be based upon the written submissions of the parties unless the applicant or the division request a hearing by video or teleconference. The hearing officer may hold an in-person hearing only upon a showing that an in-person hearing is necessary to accommodate a special need of an applicant or the division.

10. The hearing officer shall issue a decision in writing, which will be sent by first-class mail (or by email at the election of the applicant) to the applicant at the applicant's address of record. If the applicant is represented by an attorney the decision will be sent to the applicant's attorney. The written decision of the hearing officer shall be the final decision of the department.

(D) Judicial Review.

1. Any applicant aggrieved by the final decision of the department after appeal may seek judicial review as provided in section 536.150, RSMo.

2. Any person who is not an applicant who is aggrieved by the final decision of the department after administrative review may seek judicial review as provided in section 536.150, RSMo.

*AUTHORITY: sections 207.020 and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. Emergency rule filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Original rule filed Sept. 17, 2021.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated four hundred sixty-four thousand three hundred twenty-one dollars (\$464,321) in FY 22 and four hundred ninety-four thousand four hundred thirty-nine dollars (\$494,439) in FY 23.*

*PRIVATE COST: This proposed rule will cost private entities an estimated two hundred eighty-two thousand two hundred sixty-four dollars (\$282,264) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 13–Social Services  
**Division Title:** Division 35–Children’s Division  
**Chapter Title:** Chapter 71–Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Name:</b>	13 CSR 35-71.015 Background Check Regulation
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services-Children’s Division	The cost is estimated to be \$464,321 in FY 22 and \$494,439 in FY 23.

**III. WORKSHEET**

There are seven FTE needed to complete the background checks.

5 Administrative Support Assistants  
 1 Administrative Support Professional  
 1 Social Services Unit Supervisor

**Cost breakout FY 22**

Salaries	\$212,021
Fringe	\$152,168
Equipment and Expense (including initial cube set-up)	<u>\$100,132</u>

<b>TOTAL</b>	<b>\$464,321</b>
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**Cost breakout FY 23**

Salaries	\$256,970
Fringe	\$183,444
Equipment and Expense	<u>\$ 54,025</u>

<b>TOTAL</b>	<b>\$494,439</b>
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**IV. ASSUMPTIONS**

In the original fiscal note, the Department requested Children’s Service Workers to complete these tasks. On further discussion, the classification of the people needed are Administrative Support Assistants, and an Administrative Support Professional. These positions cost less than the original estimate in the fiscal note, resulting in less cost than originally estimated.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13–Social Services  
**Division Title:** Division 35–Children’s Division  
**Chapter Title:** Chapter 71–Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Name:</b>	13 CSR 35-71.015 Background Check Regulation
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
114	Licensed Residential Treatment Facilities	\$228,000
69	Child Placing Agencies	\$14,250
20	License Exempt Residential Treatment Facilities	\$40,014

**III. WORKSHEET**

Classification	Estimate number of employees	Background cost \$41.75 fingerprints \$15.25 FCSR \$57.00 Total
Licensed Residential Treatment Facilities	4000	\$228,000
Child Placing Agencies	250	\$14,250
License Exempt Residential Treatment Facilities	702	\$40,014
		\$282,264 (Total estimate)

**IV. ASSUMPTIONS**

The estimated cost of compliance is based on the need to complete the full process of a background screening process, including the onetime registration fees for the Family Safe Care Registry.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 71—[Licensing] Rules for Residential Treatment**  
**Agencies for Children and Youth**

**PROPOSED AMENDMENT**

**13 CSR 35-71.020 Basic Residential Treatment for Children and Youth Core Requirements (Applicable To All Agencies)—Basis for Licensure and Licensing Procedures.** The division is amending the chapter title and sections (1)-(6).

*PURPOSE: The purpose of this amendment is to update the requirements for applying for an application to operate a licensed residential care facility in Missouri and to implement the new requirements of HB 557 (2021).*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

**(1) Licensing Authority.**

(A) Any person who desires to develop, establish, maintain or operate, or both, a residential treatment agency for children and youth, except for those persons exempt from licensing pursuant to section 210.516, RSMo, must file an application for licensure form with the division and must receive a license prior to accepting any child for care.

(B) Before a license may be granted, an agency must be in compliance with sections 210.481–210.536, RSMo, sections 210.1250–210.1286, RSMo, and these rules.

**(2) Application [for Licensure] Procedures.**

*[(A) An agency shall submit the following documents in duplicate to the division—*

*1. Application for licensure signed and dated by the applicant;]*

(A) To apply for a license to operate a Licensed Residential Care Facility (LRCF) in Missouri the person, or the persons legally authorized designee, shall file an application with the division on forms provided by the division.

1. The application forms are published on the division's website and are incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, PO Box 88, Jefferson City, MO 65102, and available at: <https://www.dss.mo.gov/provider-services/children/residential-program/licensed.htm>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. The person shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The person shall submit the form with supplementary materials to the division by e-mail at the following e-mail address: CDaskRPU@dss.mo.gov.

2. The application form shall be signed by the person or the person's legally authorized designee. The division will accept e-signatures.

(B) The application shall contain the following information:

1. The name, street address, mailing address, fax number, and phone number of the residential care facility;

2. The name, street address, mailing address, e-mail address, and phone number of the director, owner, and operator of the LRCF;

3. The name, street address, mailing address, e-mail

address, phone number, and job title of the individual or individuals who are designated to submit the application on behalf of the residential care facility. This individual shall be an individual who is legally authorized to act on behalf of the residential care facility and to legally bind the residential care facility to the statements made and information provided in support of the application;

4. The name and description of the person operating the residential care facility, including a statement as to whether the person operating the residential care facility is a firm, corporation, benevolent association, partnership, association, agency, or an incorporated or unincorporated organization, regardless of the name used. If the owner or operator of the residential care facility is incorporated, a corporation shall state the type of corporation, the state in which the corporation was incorporated, and the date of incorporation;

5. The name and address of the sponsoring organization of the residential care facility, if applicable;

6. The name and address of every school attended by, or to be attended by, the children served by the residential care facility;

7. A certification that officers, managers, contractors, volunteers with access to children, employees, and other support staff of the residential care facility, and owners who will have access to the facilities have, or will have, completed background checks and have been found eligible as required in section 210.493, RSMo, and 13 CSR 35-71.015.

(C) The residential care facility shall submit the additional documentation and information in support of the application as provided in this subsection. This information may be submitted on a form or forms provided by the division, or it may be submitted separately as attachment(s) to the application.

**1. Local health department inspection certificates.**

A. The residential care facility shall successfully complete and obtain any and all local health department inspection certificates required in the jurisdiction in which the facility operates. If the residential care facility operates in more than one county or local jurisdiction, then the residential care facility shall obtain the required certificates for each facility in each location.

B. The residential care facility shall submit a copy of all local health department inspection certificates with the application, and shall indicate the date of the inspection and the date that each certificate expires, if any.

C. If there is no local or county government health department in which the residential care facility is located, or if the local or county health department will not perform a health inspection, the residential care facility shall request that decision in writing and submit that information with the application.

D. If the residential care facility is unable, after exercising diligent efforts, and due to no fault of its own, to obtain a local inspection certificate, then the residential care facility shall submit a statement describing the efforts made to obtain the certificate(s) and the reason why the residential care facility was unable to obtain the certificate. The residential care facility shall attach copies of any correspondence from any state, county, or local jurisdictions declining to conduct the inspection.

2. Proof that medical records are maintained for each child. The division will accept copies of the LRCF's administrative policy regarding the maintenance of medical records as *prima facie* proof that the LRCF is maintaining medical records for purposes of submitting an application. However, proof that the LRCF is maintaining medical records on each child will be the subject of verification and monitoring. The LRCF shall provide the division access to the facility upon request to inspect the medical records maintained by the LRCF on the children served by the LRCF in order to verify that the medical records are being kept.

*[2.]3. Evidence of compliance with local building and zoning requirements[;].*



[3.]/4. A floor plan of the proposed site in which the specific use of each room is identified[;].

[4.]/5. A signed and dated copy of the civil rights agreement[;].

[5.]/6. A chart depicting the agency's organizational structure and lines of supervision[;].

[6.]/7. Written policies and procedures established by the board of directors which clearly set forth the authority and the responsibilities delegated to the executive director[;].

[7.]/8. A copy of the articles of incorporation, bylaws, and board roster, including the mailing address and place of employment of each member, and a list of board officers[;].

[8.]/9. A proposed budget for a period of not less than one (1) year, including sources of income and/or fund raising methods[;].

[9.]/10. Verification of availability of not less than three (3) months' operating capital[;].

[10.]/11. A copy of the residential care facility's written intake policy[;].

[11.]/12. Written identification of specific program models or designs which shall include the methods of care and treatment to be provided[;].

[12.]/13. The [J]/job title, job description, and minimum qualifications for all staff[;].

[13.]/14. A projected staffing plan for the anticipated capacity[;].

[14.]/15. Written child abuse and neglect reporting policy[;].

[15.]/16. Written personnel practices, including staff training and orientation[;].

[16.]/17. Written discipline policy[;].

[17.]/18. Written visitation policy[;].

[18.]/19. Written health care policy[;].

[19.]/20. Written restraint policy utilizing a recognized and approved physical restraint program[;].

[20.]/21. A needs assessment conducted and submitted as evidence of need for the type and scope of program proposed. This written assessment shall include, but is not limited to:

A. An identification and survey of potential referral sources, existing resources, and unmet community needs;

B. A business plan that details the agency's proposed venture explaining the vision, mission, current status, expected needs, defined markets, and projected results;

C. A description of how treatment will be provided and documented and how the proposed operating site meets therapeutic needs;

D. A description of how the agency will be financed and how fiscal viability will be maintained; and

E. A description of the results of a meeting planned and hosted by the agency with key community participants with the intent of enhancing communication, gathering information for the needs assessment, addressing interaction with community resources, and addressing community questions and comments regarding the proposed residential treatment agency for children and youth[;].

[21.]/22. Evidence of compliance with fire safety requirements of the State Fire Marshal[;].

[22. Documentation that the agency's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not an approved public source;]

23. Verification of a medical examination that includes tests for communicable diseases including, but not limited to, tuberculosis and hepatitis when recommended by a licensed physician for all staff, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, shall be submitted within thirty (30) days of initial licensure using the form prescribed by the division[;].

24. [Results of a check of the family care safety registry for all staff, as well as interns, volunteers, and contractors. Any employee who resides in another state and works in the

state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed upon initial employment. If the employee continues to reside in another state, the out-of-state check shall be done annually. Results of employee medical examinations and background screenings, along with family care safety registry documentation may be viewed by division licensing staff on site during routine record reviews] A certification that all individuals who are required to complete a background check and be found eligible for employment or presence at the LRCF as provided in section 210.493, RSMo, and 13 CSR 35-71.015[;].

25. Verification of the education, licensing credentials, and experience for all professional staff[;].

26. A copy of the resume for all professional and administrative staff[;].

27. Written description of the recreational program, and the manner in which staff are qualified and prepared to create, organize, and supervise them[;].

28. A copy of the annual written staff training plan[;].

29. A copy of the personnel manual for the agency[;].

30. A copy of the program manual for the agency[;].

31. For any agency operating a swimming pool on grounds, documentation that the pool is operated and maintained in accordance with all applicable ordinances and/or state guidelines[;].

32. Documentation that each operating site's food service is in compliance with the requirements of the Department of Health and Senior Services and/or any local applicable ordinances[;].

33. Written volunteer policies[;].

34. Written policy for the use of visiting resources[;].

35. Written confidentiality policy[;].

36. Written policy for the use of locked isolation[;].

37. Written instructions for fire, severe weather, and other emergency evacuations[;].

38. Written description of the agency's religious requirements and practices[;].

39. Written policy governing the use of medications, including psychotropic medications[;].

40. A copy of any newsletter, brochure, or flyer used by the agency for fundraising or marketing purposes[;].

41. Documentation of insurance for the agency for professional and commercial liability, worker's compensation insurance, fire and disaster insurance, and agency vehicle insurance[; and].

[42. A completed, signed, and dated copy of the agency self-study on a form prescribed by the division.]

(D) Upon receipt of the application form and supporting documentation, the division will send a request to the State Fire Marshal to conduct a fire and safety inspection and provide the LRCF and the division with a copy of the approved fire and safety certificate.

(E) The application will be complete when the residential care facility submits a completed application with all of the required supporting documents and information to include all required inspection certificates.

(3) Licensing Assessment.

(A) When the application is complete the division will conduct [A/a thorough assessment of the [agency shall be made by the division, including a review of the documents required in this rule and visits to the agency] residential care facility to determine whether the residential care facility meets all of the requirements for licensure in compliance with the licensing law and applicable rules.

(B) If an applicant for licensure is determined not to be in compliance with the licensing law and applicable rules, *[and/or if the division issues a provisional license and the residential care facility does not achieve full compliance [is not achieved] within [a] six[-] (6/-) months of the date of the issuance of the provisional license [period], the application [may] will be denied. A new application for licensure must be filed if the agency desires to pursue licensure.*

(4) The License.

(F) An *[licensed residential treatment agency] LRCF* for children and youth may request a temporary variance from one (1) or more of the licensing requirements for a specified period of time on a form prescribed by the division that is approved or denied by the division. Approval may be granted by the division only in unusual situations when the division determines that the variance will not negatively impact child health and safety and is not under the purview of another regulatory entity. Examples may include, but are not limited to, time limited deviations in licensed capacity and age range. No variance will be granted for any licensing requirements which involve the health, safety, and welfare of children. Examples include, but are not limited to, compliance with fire and sanitary codes, food safety, building occupancy requirements, and other requirements imposed by law. In the event the licensed residential treatment agency for children and youth does not agree with the decision of the division, it may request administrative review pursuant to 13 CSR 35-71.030.

(5) License Amendment.

(A) An *[agency] LRCF* shall file an application for amendment with the division on a form prescribed by the division at least sixty (60) days prior to—

1. Relocation and/or address change;
2. Change in the name of the *[agency] LRCF*;
3. Change in the capacity, gender served, and/or age range of children; or
4. Any major change in the program.

(6) Licensing Renewal.

*[(A) An application for licensure shall be mailed by the division to the agency.]*

*[(B)/(A) The [agency] LRCF shall complete and return the application for license renewal to the division at least ninety (90) days prior to the expiration of the current license. The LRCF shall utilize the forms indicated in paragraph (2)(A)1. of this regulation to initiate the license renewal process. The LRCF shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The LRCF shall submit the form with supplementary materials by email to the LRCF's designated division license consultant. The application form shall be signed by the director of the LRCF or the director's legally authorized designee. The division will accept e-signatures.*

*[(C)/(B) The division shall initiate action on the completed application packet prior to the expiration of the existing licensure period.*

*[(D)/(C) In addition to the completed application form, the residential care facility shall submit the following documents [shall be submitted] with the application for license renewal:*

1. Verification of a medical examination that includes tests for communicable diseases including, but not limited to, tuberculosis and hepatitis when recommended by a licensed physician, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, for all staff working directly with children shall be submitted utilizing the form prescribed by the division;
2. A current board roster, including the mailing address and place of employment of each member and a list of board officers;
3. A summary of any significant changes to programs and

copies of any resulting policies or policy changes;

4. A copy of a current organizational chart;

**5. Certification that all individuals who are required to submit to a background check have completed their background checks and have been found eligible by the division for employment or presence at the LRCF as provided in section 210.493, RSMo, and 13 CSR 35-71.015;**

*[5./6. Annual results of a check of the family care safety registry for all staff, as well as interns, volunteers, and contractors/. Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed upon initial employment. If the employee continues to reside in another state, the out-of-state check shall be done annually. Results of employee medical examinations and background screenings, along with family care safety registry documentation may be viewed by division licensing staff on site during routine record reviews];*

*[6./7. Evidence of current compliance with the fire and safety requirements of the State Fire Marshal;*

*[7./8. A record of monthly drills for fire and emergency evacuations which are held at different times of the day and night;*

*[8./9. Documentation that each operating site's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not an approved public source;*

*[9./10. A copy of the most recent financial audit and/or financial review [pursuant to 13 CSR 35-71.040(5)(B)];*

*[10./11. A copy of the annual written staff training plan;*

*[11./12. Documentation that each operating site food service is currently in compliance with requirements of the Department of Health and Senior Services or any local applicable ordinance;*

*[12./13. A copy of the current personnel and/or program manual for the agency if there have been changes since last submitted to the licensing unit;*

*[13./14. For any agency operating a swimming pool on grounds, documentation that the pool is operated and maintained in accordance with all applicable local ordinances and/or state guidelines;*

*[14./15. A copy of the resume of all administrative and professional staff, if not previously submitted to the licensing unit;*

*[15./16. Documentation of insurance for the agency for professional liability and commercial liability, worker's compensation insurance, fire and disaster insurance, and agency vehicle insurance; and*

*[16./17. Documentation of [f/Form 990 for all non-profit agencies and Internal Revenue Service return for for-profit agencies and self-disclosure of tax liabilities, including but not limited to, all employee withholding taxes.*

**(D) Division staff may review the results of employee medical examinations and background screenings, along with family care safety registry during routine record reviews.**

(E) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for a period not to exceed two (2) years.

*AUTHORITY: sections [210.516] 207.020, 210.506, and 660.017, RSMo [2000] 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-71.020. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires*

March 29, 2022. Amended: Filed Sept. 17, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children’s Division**  
**Chapter 71—[Licensing] Rules for Residential Treatment**  
**Agencies for Children and Youth**

**PROPOSED AMENDMENT**

**13 CSR 35-71.030 Hearings and Judicial Review.** The division is amending the chapter title and sections (1), (2), and (3).

**PURPOSE:** This amendment is necessary to update the regulation to reflect current practice and to implement the requirements of HB 557 (2021).

(1) License Denial or License Revocation.

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who—

1. Fails consistently to comply with the applicable provisions of sections 210.481–210.536, and **210.1250–210.1286**, RSMo, and the applicable corresponding rules;

2. Violates any of the provisions of its license;

3. Violates **federal or** state laws or rules relating to the protection of children;

4. Abuses or neglects children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a [court adjudicated, probable cause, and/or preponderance of evidence finding, or (effective August 4, 2008) are] **substantiated finding of child abuse or neglect; or is** found guilty, pleads guilty, or pleads no contest to [felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, and (effective the date of this amendment) felony possession, delivery, distribution, manufacturing, or production of controlled substance crimes as specified in Chapter 195, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious child neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division. The division may make limited exceptions to the above exclusionary employment criteria in extraordinary circumstances where the agency and the employee establish that the potential employee is essential to the success of the licensed residential treatment agency for children and youth, the employee poses no risk to the welfare, health, and safety of the children in placement, the employee is not listed on

the sexual offender registry and has no history of court adjudicated, probable cause, and/or preponderance of evidence sexual abuse. The division may require that the prospective employee and the agency submit proof that the employee or prospective employee has successfully completed any and all sentences imposed and any reasonably necessary or required medical, psychiatric, and/or mental health treatment necessary to assure that the employee or prospective employee poses no danger to the health, safety, and welfare of children. The agency shall file a written application for an exception to the requirements of this section. The application shall contain detailed information and documentation supporting the request. In the event that the division denies the request the employee or prospective employee and the agency may file a written request for an informal meeting pursuant to paragraph (1)(A)11. of this section] **any crime which would render an individual ineligible for employment or presence at the Licensed Residential Care Facility (LRCF) pursuant to section 210.493, RSMo;**

5. Employs persons who the division has found ineligible for employment or presence at the LRCF pursuant to section 210.493, RSMo, and 13 CSR 35-71.015, or who abuses or neglects children/, persons who are the subjects of multiple or serious reports of child abuse or child neglect which upon investigation results in a court adjudicated, probable cause, and/or preponderance of evidence finding or (effective August 4, 2008) are found guilty, plead guilty, or plead no contest to are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, and (effective the date of this amendment) felony possession, delivery, distribution, manufacturing, or production of controlled substance crimes as specified in Chapter 195, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious child neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division. The division may make limited exceptions to the above exclusionary employment criteria in extraordinary circumstances where the agency and the employee establish that the potential employee is essential to the success of the licensed residential treatment agency for children and youth, the employee poses no risk to the welfare, health, and safety of the children in placement, the employee is not listed on the sexual offender registry and has no history of court adjudicated, probable cause, and/or preponderance of evidence sexual abuse. The division may require that the prospective employee and the agency submit proof that the employee or prospective employee has successfully completed any and all sentences imposed and any reasonably necessary or required medical, psychiatric, and/or mental health treatment necessary to assure that the employee or prospective employee poses no danger to the health, safety, and welfare of children. The agency shall file a written application for an exception to the requirements of this section. The application shall contain detailed information and documentation supporting the request. In the event that the division denies the request the employee or prospective employee and the agency may file a written request for an informal meeting pursuant to paragraph (1)(A)11. of this section];

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or refuses to make available to

the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip, and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule, or ordinance applicable to the location of a facility;

10. Fails to provide adequate financial resources for the satisfactory care of children being served, or the upkeep of the premises, or both; *for*

11. *[When a potential employee of a licensed residential treatment agency for children and youth is excluded from employment pursuant to paragraphs 13 CSR 35-71.030(1)(A)4. and 5. above, the Children's Division may grant an informal meeting only if the potential employee and the licensed residential treatment agency for children and youth request the informal meeting in writing and explain, based on the specified criteria, the reason the employee would be hired and how children in residence at the operating site would be protected. When the written request is received, the division shall schedule an informal meeting as soon as practicable. The meeting shall take place before the division director/designee. The division shall notify the agency of the date and time of the meeting. The meeting may be continued at the request of the agency, but the employment exclusion shall remain in effect pending the meeting. The meeting shall be informal, the rules of evidence shall not apply and both the agency and the division may submit any information relevant to the employment issues. The purpose of the meeting will be to determine the potential employee's suitability for employment based on the criteria listed in paragraphs 13 CSR 35-71.030(1)(A)4. and 5. above. Upon receipt of the final decision of the division, the agency may decide to accept the final decision or file petition for a hearing on administrative review pursuant to section (5) of this rule.] Fails to satisfactorily comply with all fire, safety, health, and sanitation inspections as may be required by state law or local ordinance and required under section 210.252, RSMo; or*

12. Is a health or safety concern for the children at the LRCF.

(2) License Suspension.

(A) The division shall have the authority to suspend the license of an agency when—

1. The division determines that the suspension of the license is necessary to protect the health, safety, and welfare of children who are or may be placed at the operating site; and

2. The division determines that one (1) or more of the criteria set out in sections 210.496, **and 210.1250–210.1286**, RSMo, and/or subsection (1)(A) of this rule may exist; and

3. The division has reasonable cause to believe that the agency will be able to develop and effectively implement a corrective action plan to resolve the concerns which gave rise to the suspension of the license.

(3) Suspension of Intake.

(A) The division shall have the authority to suspend the authorization of the agency to admit additional children into placement during time periods proscribed by the division when the division determines that the agency is not in compliance with the requirements of sections **210.493**, 210.496, **and 210.1250–210.1286**, RSMo, and/or subsection (1)(A) of this rule and—

1. The addition of additional children to the agency is not in the best interests of the children already placed within the agency or who may be placed with the agency; and

2. Allowing the placement of additional children with the agency may pose a risk to the health, safety, and welfare of children

already placed with the agency or who may be placed with the agency.

**AUTHORITY:** sections **207.020**, 210.506 *[and]*, 210.526, **and 660.017**, RSMo [2000] **2016**, **and sections 210.493 and 210.1286**, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-71.030. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Amended: Filed Sept. 17, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment is anticipated to cost private entities approximately sixty thousand dollars (\$60,000) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13–Department of Social Services  
**Division Title:** Title 35–Children’s Division  
**Chapter Title:** Chapter 71–Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Title:</b>	13 CSR 35-71.030 Hearing and Judicial Review
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
60	Licensed Residential Agencies	\$1,000 x 60 = \$60,000.00

**III. WORKSHEET**

Average of 1 employees x \$1,000 for hiring and training cost = \$1,000 average per residential agency for 60 agencies equals \$60,000.00

**IV. ASSUMPTIONS**

This new regulation contains new exclusionary criteria for residential agency employment in HB 557 and 560, residential agencies will have to terminate an estimated 1 employees per agency. An estimate of \$1,000 per employee for job posting, hiring, orientation and training cost for new staff.

This estimate is based on an average of 1 employees per agency and an estimated cost to hire and train new employees.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 71—[Licensing] Rules for Residential Treatment**  
**Agencies for Children and Youth**

**PROPOSED AMENDMENT**

**13 CSR 35-71.045 Personnel.** The Department of Social Services is amending the chapter title and sections (1)–(3).

*PURPOSE:* This amendment implements new requirements for background checks of officers, managers, contractors, volunteers with access to children, employees, other support staff, and owners of Licensed Residential Care Facilities (LRCF); License-Exempt Residential Care Facilities (LERCFs); and Licensed Child Placing Agencies (CPAs). It adds the requirement that the Department conduct background checks on any person who has unsupervised contact with children and any adult who resides at a LERCF.

(1) General Requirements.

(A) The [agency] Licensed Residential Care Facility (LRCF) shall have a written statement of personnel practices which are approved by the governing body and provided to all staff at the time of employment.

(B) The [agency] LRCF shall evaluate and investigate application information carefully to determine whether employment or service of an applicant with the LRCF is in the best interests of the children in care.

(C) [The agency shall require that each employee, intern, volunteer, and any contracted personnel secure and provide to the agency upon initial employment and annually thereafter, a child abuse/neglect and criminal background screening utilizing the family care safety registry from the Department of Health and Senior Services.] All officers, managers, contractors, volunteers with access to children, employees, other support staff and owners of such LRCF who will have access to the facilities of the LRCF shall submit to a background check and shall be found eligible for employment or presence at the LRCF as provided in section 210.493, RSMo, and 13 CSR 35-71.015 before commencing service or being afforded access to the facilities of the LRCF. These individuals shall notify the LRCF and the division of any change in circumstances which would render them ineligible for employment or presence at the LRCF. After the individual completes the background check, the LRCF shall further require all officers, managers, contractors, volunteers with access to children, employees, other support staff, and owners of the LRCF who will have access to the facilities of the LRCF to successfully complete an annual check of the Family Care Safety Registry. The LRCF shall maintain documentation of the Family Care Safety Registry checks in its personnel records.

(D) [Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of background screening(s) from those states to include, but not limited to, child abuse/neglect and criminal background screening check(s). When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screenings check(s) from the previous state(s) only needs to be completed upon initial employment. If the employee continues to reside in another state, the out-of-state check shall be done annually. An agency shall exclude from employment (effective August 4, 2008) staff who are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, and (effective the date of this amendment) felony posses-

sion, delivery, distribution, manufacturing, or production of controlled substance crimes as specified in Chapter 195, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious child neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure.] After the individual completes the background check, the LRCF shall require all officers, managers, contractors, volunteers with access to children, employees, other support staff, and owners of the LRCF who will have access to the facilities of the LRCF, and who reside outside of the state of Missouri, to successfully complete an annual background screening which shall consist of a check of the child abuse and neglect registry and a criminal background check of the state or jurisdiction in which the individual resides. LRCFs shall further implement and apply policies which require all personnel who are otherwise required to submit to a background check pursuant to section 210.493, RSMo, to immediately notify the LRCF if they are listed in a state or local government registry as a perpetrator of child abuse or neglect, or if they were arrested or charged with any crime listed in section 210.493, RSMo.

(E) [If an employee is hired with a child abuse/neglect/criminal history that does not otherwise exclude the employee from employment, the agency administrator/executive director shall document in writing in the employee's file the reason for hiring the employee and how children in residence at the operating site will be protected.] Any person who makes a materially false statement in connection with an application for licensure or relicensure as a LRCF shall be ineligible for employment or presence at the LRCF.

(F) Prior to the employment of any person for a position requiring credit hours, a degree, or both from an accredited college or university, a resume and an official college transcript, or a copy of the diploma, shall be on file at the [agency] LRCF. Any person employed in a position requiring general educational development certificate or high school diploma shall provide documentation of such within thirty (30) days of employment.

(G) An [agency] LRCF shall require the names of at least three (3) persons for each employee, volunteer, or staff person, who are unrelated to the [staff member] individual, who can provide character references. At least two (2) of the three (3) persons shall be professional references from a previous employer, internship, or volunteer position. If the individual is a student then this requirement may be satisfied by providing the references from the individual's professor, guidance counselor, teacher, or academic advisor.

[(H) An agency shall require references for each staff person from all previous employers within the last five (5) years and a history of any previous employment in child care settings.]

[(I)](H) [All references shall be] The LRCF shall contact[ed] all references and [documented by the agency with letters or verification in the record of verbal contacts, providing the date, person making the contact, and the content of the contact] maintain documentation of the reference checks in the LRCF's employee records.

[(J)](I) The [agency] LRCF shall require an annual driver record check for any staff, employee, intern, volunteer, or contract personnel who transport residents. No [staff] individual with a suspended or revoked driver's license or record of driving while under the influence of alcohol or any other intoxicating substance within the last five (5) years shall transport residents.

(2) [Medical Examinations] Health Verification.

(A) All **staff**, employees, interns, volunteers, and contracted personnel shall be free of *[signs]* **symptoms** of *[highly]* communicable disease or other evidence of ill health which poses a threat to children. *[This shall be verified by a medical examination by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician before employment, or within ten (10) days following employment, and biennially thereafter.]*

*[(B) Medical examinations shall include tests and/or procedures that indicate they are free from communicable disease including, but not limited to, tuberculosis and hepatitis when recommended by a licensed physician.]*

*[(C)](B)* Staff, interns, volunteers, and contracted personnel shall be free of any conditions which would adversely affect their ability to care for[,] or pose a threat to children.

*[(D)](C)* If the division has reason to question the capabilities of any *[person]* **individual** working directly with children **served by the LRCF**, the division may require *[additional examinations]* the individual to submit to a medical examination and obtain a report of an appropriate medical professional that the individual is medically fit to perform the services for the LRCF without reasonable risk to the children.

(3) Personnel Records. *[Personnel records shall be maintained]* **The LRCF shall maintain personnel records** for each **staff member**, employee, intern, volunteer, and contracted employee as indicated below. **The LRCF shall maintain the staff records on site and shall keep the records for at least five (5) years following the date of separation from the LRCF.**

(A) For *[an employee]* **staff members and employees**, the personnel record shall include—

1. Verification of education and experience, and a copy of professional license, if applicable;

2. Verification of the names of three (3) persons, unrelated to the staff member, who can provide character **and professional** references;

3. Verification of employer references for the past five (5) years and *[a history of any]* previous employment in child care settings;

4. A copy of the job description signed and dated by the employee;

*[5. Reports of initial and biennial medical examinations that indicate that they appear to be free from communicable disease;]*

*[6.]5.* Results of annual checks of the family care safety registry;

*[7.]6.* *[Results of background screenings from other states in which employees have resided and/or have lived or worked within the past five (5) years, including an annual out-of-state check if the person resides in another state]* **Documentation that the individual has completed the background checks and that the division has found the individual eligible for employment or presence at the LRCF pursuant to section 210.493, RSMo, and 13 CSR 35-71.015;**

*[8.]7.* The date of employment, date of separation, reason(s) for separation;

*[9.]8.* Copies of *[an initial six (6) months']* **annual** performance evaluations *[and each subsequent annual evaluation];*

*[10.]9.* Results of an annual driver record check for any employee, intern, volunteer, and any contracted personnel who transport residents;

*[11.]10.* A signed and dated copy of the confidentiality statement;

*[12.]11.* A signed and dated copy of the discipline policy;

*[13.]12.* A signed and dated copy of the mandated child abuse/neglect reporting policy;

*[14.]13.* A signed and dated copy of an acknowledgement of

receipt of program and personnel policies **and manuals**;

*[15.]14.* A signed and dated copy of the acknowledgment of completed agency orientation;

*[16.]15.* Documentation *[of]* **that the staff member has successfully completed all training required for the successful performance of the individual's duties**;

*[17.]16.* Documentation of current first aid/cardiopulmonary resuscitation training and certification; and

*[18.]17.* Documentation of current medical aid certification, when applicable.

(B) For *//*interns, volunteers, and contracted employees who have direct contact with children, **the personnel record** shall include—

1. Copy of professional credentials, *[[if applicable]]*;

2. Documentation of initial and *[biennial]* **subsequent** medical examinations *[that indicates that they are free from communicable disease including, but not limited to, tuberculosis and hepatitis];*

3. Results of annual checks of the family care safety registry **and documentation that the individual has completed the background check process and been found eligible for service as provided in section 210.493, RSMo, and 13 CSR 35-71.015;**

*[4. Results of background screenings from other states in which interns/volunteers who have direct contact with children have resided and/or have lived or worked within the past five (5) years, including an annual out-of-state check if the person resides in another state;]*

*[5.]4.* A signed and dated copy of the contract or any agreement outlining purpose of presence on site;

*[6.]5.* A signed and dated copy of the confidentiality policy;

*[7.]6.* A signed and dated copy of the discipline policy;

*[8.]7.* A signed and dated copy of the mandated child abuse/neglect **and critical incident** reporting policies;

*[9.]8.* A signed and dated copy of the acknowledgement of receipt of **manuals and policies** related to *[their]* **the** agreement/contract; and

*[10.]9.* Documentation of staff orientation participation.

**AUTHORITY:** sections 207.020, 210.506, and 660.017, RSMo [2000] 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-71.045. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Amended: Filed Sept. 17, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment is estimated to cost private entities sixty thousand dollars (\$60,000) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 13—Department of Social Services  
**Division Title:** Division 35—Children’s Division  
**Chapter Title:** Chapter 71—Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Title:</b>	13 CSR 35-71.045 Personnel
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
60	Licensed Residential Agencies	\$1,000 X 60 = \$60,000.00

**III. WORKSHEET**

Average of 1 employees x \$1,000 for hiring and training cost = \$1,000 average per residential agency for 60 agencies equals \$60,000.00

**IV. ASSUMPTIONS**

This new regulation contains new exclusionary criteria for residential agency employment in HB 557 and 560, residential agencies will have to terminate an estimated 1 employees per agency. An estimate of \$1,000 per employee for job posting, hiring, orientation and training cost for new staff.

This estimate is based on an average of 1 employees per agency and an estimated cost to hire and train new employees.

The estimated total of \$60,000.00 is the total assumed impact for both 13 CSR 35-71.030 and 13 CSR 35-71.045.



**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children’s Division**  
**Chapter 71—Rules for Residential Treatment Agencies**  
**for Children and Youth**

**PROPOSED RULE**

**13 CSR 35-71.300 Notification Requirements for License-Exempt Residential Care Facilities**

*PURPOSE: This rule implements the notification requirements for License-Exempt Residential Care Facilities in Missouri as required by sections 210.1250 through 210.1286, RSMo, as enacted into law in HB 557 (2021).*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Definitions. For the purpose of this regulation, unless otherwise specified in this section or unless the context clearly requires otherwise, the definitions of terms specified in sections 210.110, 210.481, 210.1253, RSMo, and 13 CSR 35-71.010 and 13 CSR 35-71.015 shall apply to this regulation. The singular includes the plural and plural includes the singular. In addition, the following terms are defined as follows:

(A) “Residential Care Facility Notification Act” or “RCFNA” refers to sections 210.1250–210.1286, RSMo.

(2) Designation of Authority. The Department of Social Services hereby designates the Children’s Division of the Department of Social Services to be the division within the Department of Social Services to administer background checks as required by section 210.493 RSMo, 13 CSR 35-71.015, and the RCFNA.

(3) Application and Purpose of this Regulation. This regulation implements the requirements of the RCFNA. It applies to License-Exempt Residential Care Facilities (LERCFs).

(4) All LERCFs shall notify the division of their operation within Missouri before they accept any children as provided in this regulation and the RCFNA. LERCFs operating in Missouri and providing Residential Care Facility services to children on July 14, 2021, shall register with the division no later than Tuesday, October 12, 2021.

(5) Notification Procedures.

(A) To notify with the division, the Director of the LERCF, or his or her designee, shall file a notification using the division’s online portal, or as may be otherwise provided in this regulation.

1. The online notification form, instructions and filing the notification are incorporated by reference and made a part of this rule as published by the Department of Social Services, Children’s Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65102, at its website at <https://www.dss.mo.gov/provider-services/children/residential-program/license-exempt.htm>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. The LERCF shall submit the completed notification form and upload any supporting or supplemental forms and documentation through this online portal. The LERCF shall attach all documentation that may be necessary to complete the required notification and upload the documentation with the notification form.

2. The LERCF may apply to the division for permission to file the notification and supporting documentation by mail or private

delivery services rather than through the online portal when there are unusual, compelling, and extenuating circumstances which make filing the notification through the online portal impossible. The LERCF shall apply for permission to file the notification form, supporting or supplemental materials with the division in writing, and shall explain the circumstances why the LERCF cannot submit the notification through the online portal. A copy of the notification form for use in submitting notification by mail is incorporated by reference and made a part of this rule as published by the Department of Social Services, Children’s Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65102, at its website <https://www.dss.mo.gov/provider-services/children/residential-program/license-exempt.htm>, October 1, 2021. LERCFs may download a copy of the form. The LERCF shall attach all documentation that may be necessary to complete the required notification. If the division grants permission under this subsection the LERCF may submit the form with supporting materials by mail, by private delivery service, or in person to the offices of the division at Residential Program Unit, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, Missouri 65102; or by email at [CD.NotifyRPU@dss.mo.gov](mailto:CD.NotifyRPU@dss.mo.gov).

(B) The notification form shall be signed by the director of the LERCF, or his or her designee, attesting that the information contained in the notice and the supplemental materials are true, accurate, complete, and subject to penalties of perjury. The division will accept e-signatures.

(C) The notification form shall designate the individual within the LERCF to be the point of contact between the LERCF and division. The point of contact between the division and the LERCF shall be the director unless otherwise specified by the LERCF. The notification form shall further indicate whether the LERCF prefers to receive communications by mail through the United States Postal Services or electronically by email.

(D) The notification shall contain the information required in this subsection and otherwise in this regulation.

1. The LERCF shall list its full name, street address, mailing addresses, email address, and phone number. The mailing address and email addresses shall be the addresses of record of the LERCF and all official correspondence to the LERCF will be sent to the mailing or email address on record.

2. The LERCF shall identify the name of the director, owner, operator, all staff members, volunteers, and any individual eighteen years of age or older who resides at or on the property of the LERCF. The LERCF shall provide the name, street address, physical and electronic mailing addresses, and phone number of the director or director’s designee who will serve as the point of contact between the division and the LERCF.

3. The LERCF shall provide a full description of the agency or organization operating the LERCF, including a statement as to whether the agency or organization is incorporated.

A. The description of the agency or organization shall specify the type of agency or organization.

B. If the agency or organization is incorporated then the LERCF shall provide the state in which the LERCF was incorporated and the corporate name of the LERCF.

4. The LERCF shall identify the name and address of the sponsoring organization of the residential care facility, if applicable.

5. The LERCF shall identify the school or schools attended by the children served by the residential care facility. The LERCF shall list the name and address of each school.

6. Fire and safety inspection certificates.

A. The LERCF shall include with the notification a copy of any and all fire and safety inspection certificates required by law in the jurisdiction where the LERCF operates, and shall indicate the date of the inspection and the date that each certificate expires, if any. If the LERCF operates in more than one (1) county or local jurisdiction then the LERCF shall submit the required certificates for each facility at each location. The LERCF shall indicate the date of the

inspection and the date that each certificate expires, if applicable.

B. LERCFs operating in jurisdictions where there are no required fire and safety inspections shall include a statement to that effect in the notification form.

C. If the LERCF is unable, after exercising diligent efforts, and due to no fault of its own, to obtain fire and safety inspection certificates in jurisdictions where such certificates are required by state law or local ordinance, then the LERCF shall submit a statement describing the efforts made to obtain the certificate(s) and the reason why the LERCF was unable to obtain the certificate. The LERCF shall attach copies of any correspondence from any state, county, or local jurisdictions declining to conduct the inspection when available.

#### 7. Local health department inspection certificates.

A. The LERCF shall include with the notification a copy of any and all state or local health department inspection certificates required in the jurisdiction in which the facility operates. If the LERCF operates in more than one (1) county or local jurisdiction, then the LERCF shall obtain the required certificates for each facility at each location. The LERCF shall indicate the date of the inspection and the date that each certificate expires, if any.

B. LERCFs operating in jurisdictions where there are no required local or county government health department inspections shall include a statement to that effect in the notification form.

C. If the LERCF is unable, after exercising diligent efforts, and due to no fault of its own, to obtain any required local health department inspection certificates in jurisdictions where such certificates are required by state law or local ordinance, then the LERCF shall submit a statement describing the efforts made to obtain the certificate(s) and the reason why the LERCF was unable to obtain the certificate. The LERCF shall attach copies of any correspondence from any state, county, or local jurisdictions declining to conduct the inspection when available.

#### 8. Proof that medical records are maintained for each child.

A. The division will accept a written attestation, made under oath, subject to penalty of perjury, and executed by the director of the LERCF, that the LERCF actually maintains medical records for each child served by the LERCF according to the written policy of the LERCF, which shall be attached to the attestation.

B. The LERCF shall provide the division access to the facility upon request to inspect the medical records maintained by the LERCF on the children served by the LERCF in order to verify that the medical records are being kept. The division will request access to this information only when the division has reasonable basis to believe that the LERCF is not maintaining records for any child as required by law.

9. Background Check completion/eligibility. The director of the LERCF, or his or her authorized designee, shall certify, under oath subject to the penalties of perjury that all individuals who are required to complete a background check have successfully completed the background checks and have been found eligible for employment or presence at the LERCF pursuant to section 210.493, RSMo, and 13 CSR 35-71.015.

A. Phase-in period for LERCFs in operation as of July 14, 2021. For all original notifications submitted by LERCFs which were both in operation and had children in its facility as of July 14, 2021, the division will accept a written certification from the director of the LERCF that all individuals who are required to submit to a background check pursuant to section 210.493, RSMo, and 13 CSR 35-71.015 either have completed the background check requirements or will have successfully completed the background check by December 31, 2021. Upon completion of this process the director or the director's designee shall provide written or electronic notice to the division certifying that the background check process for these individuals has been successfully completed. The division may extend this period for up to an additional one hundred twenty (120) days if the LERCF establishes, in writing, that it is unable to successfully complete the process by the deadline.

(E) When the division is satisfied that the LERCF has complied with all of the requirements for notification, the division will issue a letter to the LERCF—

1. Confirming the receipt of the completed notification;

2. Informing the LERCF that the records of the division reflect that the LERCF has successfully completed all of the notification process as of the date of the letter, that the LERCF may accept children pursuant to section 210.1259, RSMo, and that the division will include the LERCF on the list of LERCFs as specified in section 210.1280, RSMo, and section (9) of this regulation; and

3. Notifying the LERCF of the deadlines for submitting any supplemental notifications as provided in subsection (5)(F).

(F) Duty to Supplement. The LERCF shall have a continuing duty to submit a supplemental notification within fifteen (15) calendar days if or when—

1. The LERCF terminates its operations in Missouri;

2. The LERCF has any change in its physical address, mailing address, or email address, or other address on record; or

3. There is a change in the name, mailing address, email address, or other contact information for the director of the LERCF or designated point-of-contact of the LERCF.

4. The supplemental notification form shall be signed by the director of the LERCF or his or her designee attesting that the information contained in the form and the supplemental materials are true, accurate, and complete, and subject to penalties of perjury. The division will accept e-signatures.

(6) Nothing in this regulation shall give the division jurisdiction or authority to regulate or attempt to regulate, control, or influence the form, manner, or content of the religious curriculum, program, or ministry of the LERCF.

(7) When the department or the division is advised or has reason to believe that any LERCF is operating without proper notification in accordance with the RCFNA and the division's implementing regulations, the division shall give the director of the LERCF written notice by certified mail that the director shall file notification in accordance with the RCFNA and the division's implementing regulations, or the department may request a court injunction as provided under section 210.1271, RSMo, or take other action as may be authorized by law. The division shall send its written notice to the address of record of the LERCF when an address has been provided.

(A) The division may extend the time for the LERCF to comply with the notification requirements for up to sixty (60) days upon request of the LERCF and a showing by the LERCF that the LERCF has reasonable cause for the delay in completing the notification requirements and that the health and safety of the children will not be at risk.

(B) The division may further condition an extension of time upon the LERCF submitting a time-limited corrective action plan to complete the notification requirements that is mutually satisfactory to the LERCF and the division.

#### (8) Administrative Review and Judicial Review.

(A) Any LERCF which is aggrieved by a decision of the department or division under this regulation may file a request for administrative review of the decision within fourteen (14) days of the mailing of the decision as provided in this regulation.

##### (B) Administrative Review.

1. A request for administrative review shall be made in writing, either on a form provided by the division or by letter or submitted electronically by email to the division to the email address specified in the division's decision. The request for administrative review shall include the following information:

- A. The name, address, telephone number, and email address of the LERCF making the request for administrative review;

- B. Specify whether the LERCF is requesting a response and notice of final decision by first-class mail or by email;

C. Identify the division's decision to be reviewed, and why the LERCF is aggrieved by the decision;

D. The LERCF shall include copies of any relevant documents, materials, or information that the LERCF wishes to submit in support of the request for administrative review; and

E. Specify whether or not the LERCF requests that the review be considered on the basis of the materials submitted, or whether the LERCF requests an in-person review conference. If the LERCF requests an in-person review conference then the LERCF shall also provide dates and times within the next thirty (30) days when the LERCF will be available and the reasons why the administrative review cannot be processed on the basis of the materials presented.

2. The LERCF may be represented by legal counsel.

3. The administrative review shall be conducted and decided based upon the written materials submitted to the division and any information and materials presented at an in-person review conference. If the LERCF establishes that there is a good reason to hold an in-person review conference then the division will hold an in-person review conference.

4. The in-person review conference may take place by telephone conference call, video conference, or in-person review conference at a date and time during regular working hours that are mutually convenient to the division and the LERCF requesting the conference.

5. The administrative review process and in-person review conference shall be informal. The rules of evidence shall not apply. There is no right to conduct discovery. There shall be no right to compel the production of witnesses or evidence by subpoena or otherwise.

6. The administrative review shall be conducted by an individual designated by the director of the department or division, who may be an employee of the division or the department. However, the individual shall not have been involved in making the decision which is subject to review.

7. The individual conducting the administrative review shall conduct the administrative review and render a written decision no later than thirty (30) days from the date that the division received the request for administrative review.

8. The decision upon administrative review shall be the final decision of the department.

(9) The division will maintain a list of all LERCFs which are in compliance with the requirements of sections 210.1250–210.1286, RSMo, and this regulation.

(A) The list shall include the following information:

1. The name, physical address, and mailing address of the LERCF;

2. The name of the director of the LERCF; and

3. Whether the LERCF has submitted any fire and safety or health department certificates with the notification.

(B) The division will provide a copy of the list to anyone who asks, upon request submitted to the Children's Division, Residential Program Unit, 205 Jefferson Street, PO Box 88, Jefferson City, Missouri 65102; or by email at [CD.NotifyRPU@dss.mo.gov](mailto:CD.NotifyRPU@dss.mo.gov).

(C) The director of any LERCF may submit written request to correct any errors in the list or to supplement the list with updated information.

(D) The division will update the list when errors or updates are brought to its attention. Except in cases where there is a scrivener's error, the division will provide notice and an opportunity to object making any changes about the LERCF on the list. The LERCF may seek administrative review of any changes in the list following the procedures specified in this regulation.

*PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions four hundred thirty thousand four hundred sixty-four dollars (\$430,464) in FY22 and four hundred forty-three thousand nine hundred fifty-two dollars (\$443,952) in FY23.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

*AUTHORITY: sections 207.020 and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. Emergency rule filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Original rule filed Sept. 17, 2021.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 13—Department of Social Services  
**Division Title:** Division 35—Children’s Division  
**Chapter Title:** Chapter 71—Licensing Rules for Residential Treatment Agencies for Children and Youth

<b>Rule Number and Name:</b>	13 CSR 35-71.300 Notification Requirements for Licensed Exempt Residential Care Facilities
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	\$430,464 in FY 22, \$443,952 in FY 23.
Department of Public Safety	\$0
Department of Health and Senior Services	\$0

**III. WORKSHEET**

Implementing this rule will require 5 FTE.

**Cost breakout FY 22**

Salaries	\$ 198,180
Fringe	\$ 124,171
Equipment and Expense (including establishing secure portal)	<u>\$ 108,113</u>

**TOTAL** **\$430,464**

**Cost breakout FY 23**

Salaries	\$240,194
Fringe	\$149,792
Equipment and Expense	<u>\$ 53,966</u>

**TOTAL** **\$443,952**

**IV. ASSUMPTIONS**

DSS assumes that license exempt residential care facilities are already compliant with local ordinances and requirements specific to inspections provided by DPS and DHSS.

It remains unknown how many license exempt residential care facilities currently exist in Missouri to date; however, DSS based fiscal impact estimates utilizing the assumption that there are 100 license exempt agencies currently operating in the state.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 35—Children’s Division  
Chapter 73—Child Placing Agencies**

**PROPOSED AMENDMENT**

**13 CSR 35-73.010 Scope and Definitions.** The division is amending the title of the rule, moving sections (1)-(44) into subsections under a new section (2), and is adding a new section (1).

*PURPOSE: The proposed amendment to this rule establishes the general principles governing the implementation and interpretation of the regulations in this Chapter 73. The amendment to this rule also updates the definitions of words and phrases utilized in Chapter 73 and updates the title.*

**(1) The following principles shall apply to all decisions made pursuant to this chapter:**

**(A) The safety and welfare of children is paramount;**

**(B) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis;**

**(C) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;**

**(D) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with federal and state standards;**

**(E) Resources and efforts of the division and child placing agencies shall be committed to pursue the best possible opportunity for a successful outcome for each child. In the case of children and youth who are in the foster care system, successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four- (24-) hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child’s needs as well as the quality of care received; and**

**(F) All licensed service providers shall prioritize methods of reducing or eliminating a child’s need for residential treatment through community-based services and supports.**

**(2) Unless the context clearly requires otherwise, the definitions of terms specified in sections 210.110, 210.481, and 210.1253, RSMo, and 13 CSR 35-71.010 and 13 CSR 35-71.015 shall apply to all regulations in this chapter (13 CSR 35-73). The singular includes the plural and the plural includes the singular. In addition, the following terms are defined as:**

**[(1)](A) “Adoption”** means the act of receiving a child into one’s family by choice and acquiring a parent-child relationship by legal process././;

**[(2)](B) “Adoption agency”** means a licensed public or private organization whose purpose or parts of its purpose is to provide adoption services to children, adoptees, adoptive applicants, and birth and/or adoptive parents././;

**[(3)](C) “Adoption services”** means the provision of pre-placement or foster care services to birth and/or adoptive parents, the completion of birth parent././ social and medical histories, the completion of adoptive family assessments, post-placement services to birth and/or adoptive parents, post-adoption services to birth and/or adoptive parents, or other related activities, including those requested by courts and other adoption agencies and organizations././;

**[(4)](D) “Adoptive applicant”** means a prospective adoptive parent who has applied to adopt a child but who has not yet received a child for adoptive placement. It also includes an adoptive parent who has

adopted one (1) or more children and who is requesting to adopt another child././;

**[(5)](E) “Adoptive parent”** means a person with whom a child has been placed for adoption or who has adopted one (1) or more children././;

**[(6)](F) “Alternative care”** means care provided a child in a foster home, a group home, residential treatment agency, child care institution, or any combination thereof././;

**(G) “Background check”** means the background check required by section 210.493, RSMo, and 13 CSR 35-71.015;

**[(7)](H) “Birth parent(s)”** means the biological father and/or mother of a child././;

**[(8)](I) “Child”** means any person under eighteen (18) years of age././;

**[(9)](J) “Child placing agency”** means any person or organization, other than the parents, who places a child outside the home of the child’s parents or guardian, or advertises or holds him/herself forth as performing such services, but excluding the attorney, physician, or clergyman of the parents per section 453.014(4), RSMo././;

**[(10)](K) “Confidentiality”** means *[the act of holding in trust]* complying with all federal and state laws governing the confidentiality of both identifying and non-identifying information about clients, families, and other individuals receiving services from a licensed child placing agency././;

**[(11)](L) “Custody”** means the right of care and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, and discipline for a child. Temporary custody of a child may be granted for a limited time only, usually pending further action or review by the court././;

**[(12)](M) “Director”** means the director of the Children’s Division././;

**[(13)](N) “Division”** means the Children’s Division of the Department of Social Services././;

**[(14)](O) “Facility”** is any building of a licensed agency in which children reside././;

**[(15)](P) “Family Assessment”** means a formal evaluation of the capacity and readiness of foster parent or adoptive applicants to receive a child, which includes a written report and recommendation././;

**[(16)](Q) “Finalization”** means the issuance of a court order by an appropriate court which declares the child to be the child of adoptive petitioners as though born to them with full rights of inheritance././;

**[(17)](R) “Foster care,”** see alternative care././;

**[(18)](S) “Foster Home”** means a private residence of one (1) or more family members providing twenty-four- (24-) hour care to one (1) or more, but less than six (6) children who are unattended by parent or guardian and who are unrelated to either foster parent by blood, marriage, or adoption././;

**[(19)](T) “Foster parent”** means a person of age twenty-one (21) or older who is licensed to provide twenty-four- (24-) hour care to one (1) or more, but less than six (6), children who are unattended by parent or guardian, and who is unrelated to the child(ren) by blood, marriage, or adoption././;

**[(20)](U) “Governing body”** means the legal entity with ultimate authority and responsibility for the agency’s overall operation././;

**[(21)](V) “Home study,”** see family assessment././;

**[(22)](W) “ICAMA”** means the Interstate Compact on Adoption and Medical Assistance (ICAMA). A contract enacted into law among twenty-eight (28) states (as of May 1994) whereby medical assistance (Medicaid) may be granted to an adopted child in the state where the child lives, based upon certain criteria, one (1) of which is the provision of adoption subsidy through an agreement between an agency and the adoptive parents././;

**[(23)](X) “ICPC”** means the Interstate Compact on the Placement of Children (ICPC). A contract enacted into law among the fifty (50) states, the District of Columbia, and the Virgin Islands whereby approval must be obtained from the receiving state ICPC office prior

to the placement of a child across state lines for the purpose of adoption or certain other types of placement./;.

[(24)](Y) “ICWA” means the Indian Child Welfare Act (ICWA)/;.

[(25)](Z) “Immediate family” means a person related within the third degree of blood, marriage, or adoption/;-parent, grandparent, brother, sister, half brothers, half sisters, stepparent, stepbrothers, step-/sisters, uncle, aunt, or first cousin./;.

[(26)](AA) “Independent adoption” means the placement of a child with a prospective adoptive parent by a birth parent or some other person, acting as allowed by state law, as an intermediary. Also referred to as a private, identified, or designated adoption./;.

[(27)](BB) “International adoption” means the adoption of a child from a country other than the United States or of a child who is not a United States citizen by birth or naturalization./;.

[(28)](CC) “Legal father” is the husband of a natural mother at the time the child was conceived./;.

[29 “License” means the document issued by the division in accordance with the applicable provisions of sections 210.481 to 210.536, RSMo (Supp. 1995) to a foster home, residential care facility, or child placing agency which authorizes the foster home, residential care facility, or child placing agency to operate its program in accordance with the applicable provisions of sections 210.481 to 210.536, RSMo (Supp. 1995) and rules issued pursuant thereto.

(30) “MEPA” means Multi-Ethnic Placement Act (MEPA), Public Law 103-382 (1994).

(31) “Office” means the place where business is transacted and where the functions of an agency are performed.

(32) “Operating capital” means sufficient assets on hand to cover the initial start-up expenses for the initial period of licensure.

(33) “Permanency plan” means moving children to permanent homes, birth or adoptive, in a purposeful and timely manner.

(34) “Placement services” means any and all services offered to prospective adoptive children and families, ranging from selection of a particular family for a particular child through the physical arrival of the child in the adoptive home.

(35) “Post-legal adoption services” means any and all services offered to any party involved in an adoption after the adoption is granted or finalized by the appropriate court.

(36) “Post-placement services” means any and all services offered to any member of an adoptive family from the placement of the child to finalization of the adoption.

(37) “Power of attorney” means an instrument authorizing another to act as one’s agent or attorney.

(38) “Pre-placement services” means any and all services offered to birth parent(s) and child(ren) to evaluate and prepare them for an adoptive placement.

(39) “Private adoption” see independent adoption.

(40) “Private agency adoption” means the services offered by a licensed agency in placing a child for adoption.

(41) “Public agency adoption” means the services offered by

a state public child welfare agency in placing a child for adoption.

(42) “Social worker” means a professional person who possesses the qualifications and appropriate licensure to work directly with children, adoptees, birth and/or adoptive parents and other relevant individuals. If the person is a contracted person of a licensed child placing agency, such person must possess a valid license from the Division of Professional Registration and must, at a minimum, possess either a Bachelor’s Degree or a Master’s Degree in Social Work from an accredited institution.

(43) “Subsidy/adoption assistance” means the provision of financial assistance to adoptive families who are adopting a child with special needs as defined in state and federal law.

(44) “Termination of parental rights” (TPR) means a legal action which severs the parent-child relationship and allows the child to be adopted./

(DD) “MEPA” means Multi-Ethnic Placement Act (MEPA), Public Law 103-382 as amended;

(EE) “Office” means the place where business is transacted and where the functions of an agency are performed;

(FF) “Operating capital” means sufficient assets on hand to cover the initial start-up expenses for the initial period of licensure;

(GG) “Permanency plan” means moving children to permanent homes, birth or adoptive, in a purposeful and timely manner;

(HH) “Placement services” means any and all services offered to prospective adoptive children and families, ranging from selection of a particular family for a particular child through the physical arrival of the child in the adoptive home;

(II) “Post-legal adoption services” means any and all services offered to any party involved in an adoption after the adoption is granted or finalized by the appropriate court;

(JJ) “Post-placement services” means any and all services offered to any member of an adoptive family from the placement of the child to finalization of the adoption;

(KK) “Power of attorney” means an instrument authorizing another to act as one’s agent or attorney;

(LL) “Pre-placement services” means any and all services offered to birth parent(s) and child(ren) to evaluate and prepare them for an adoptive placement;

(MM) “Private adoption,” see independent adoption;

(NN) “Private agency adoption” means the services offered by a licensed agency in placing a child for adoption;

(OO) “Public agency adoption” means the services offered by a state public child welfare agency in placing a child for adoption;

(PP) “Social worker” means a professional person who possesses the qualifications and appropriate licensure to work directly with children, adoptees, birth and/or adoptive parents and other relevant individuals. If the person is a contracted person of a licensed child placing agency, such person must possess a valid license from the Division of Professional Registration and must, at a minimum, possess either a Bachelor’s Degree or a Master’s Degree in Social Work from an accredited institution;

(QQ) “Subsidy/adoption assistance” means the provision of financial assistance to adoptive families who are adopting a child with special needs as defined in state and federal law; and

(RR) “Termination of parental rights” (TPR) means a legal action which severs the parent-child relationship and allows the child to be adopted.

*AUTHORITY sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-73.010. Original rule filed Sept. 18,*

1956, effective Sept. 28, 1956. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Amended: Filed Sept. 17, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 73—Child Placing Agencies**

**PROPOSED AMENDMENT**

**13 CSR 35-73.012 Basis for Licensure and Licensing Procedures.**  
The division is amending sections (2), (3), and (6).

**PURPOSE:** The purpose of the proposed amendment to this rule is to update the procedures for applying for a license to operate a Child Placing Agency in Missouri, and to ensure that the regulations are in compliance with the new requirements of HB 557 (2021).

(2) Application for Licensure.

(A) [The application for license shall be completed by the officers of the governing board of the child placing agency, or its authorized representative, on a form prescribed and furnished by the division and shall be forwarded to the division.] To apply for a license to operate a Child Placing Agency in Missouri, the individual legally authorized to act on behalf of the Child Placing Agency shall file an application with the division on forms provided by the division.

1. The application forms are published on the division's website and are incorporated by reference and made a part of this rule as published by the Department of Social Services, Children's Division, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, MO 65102, and on the web at <https://www.dss.mo.gov/provider-services/children/residential-program/child-placing.htm>, October 1, 2021. This rule does not incorporate any subsequent amendments or additions. The Child Placing Agency shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The Child Placing Agency shall submit the form with supplementary materials to the division by email at the following email address CD.CHILDPLACINGAPPS@dss.mo.gov.

2. The application form shall be signed by the legally authorized representative of the Child Placing Agency. The division will accept electronic signatures (e-signatures).

3. The Child Placing Agency may apply to the division for permission to submit its application and supporting documentation by mail or private delivery services rather than email when there are unusual, compelling, and extenuating circumstances which make submission by email impossible. The Child Placing Agency shall apply for permission to file the materials with the division in writing, and shall explain the circumstances why it cannot submit the materials by email. The Child Placing Agency

shall attach all documentation that may be necessary to complete the required notification. If the division grants permission under this subsection the LERCF may submit the form with supporting materials by mail, by private delivery service or in person to the offices of the division at Residential Program Unit, 205 Jefferson Street, 10th Floor, PO Box 88, Jefferson City, Missouri 65102; or by email to CD.CHILDPLACINGAPPS@dss.mo.gov.

(B) An agency shall submit the following documents to the division along with the application:

1. Documentation of the legal basis for operation;
  2. A certified copy of the current Articles of Incorporation;
  3. A copy of the current by-laws;
  4. A list of the names and addresses of the current members of the governing board and a notarized letter of acceptance from each;
  5. A completed personnel report on a form prescribed by the division;
  6. Verification of the education, experience, and character of the administrator, all professional staff, and all contracted personnel;
  7. Verification of a physical examination for all staff working directly with children, completed by a licensed physician or a registered nurse who is under the supervision of a licensed physician;
  8. [Results of a check of the Child Abuse and Neglect Central Registry Unit (CA/N CRU) for all staff and volunteers]
- Certification that all individuals who are required to complete a background check are eligible for employment or presence at the Child Placing Agency as required in section 210.493, RSMo, and 13 CSR 35-71.015;**

[9. A criminal records check for each employee from a state law enforcement agency;]

[10./9. A chart depicting the agency's organizational structure and lines of supervision;

[11./10. A proposed budget for a period of not less than twelve (12) months duration which shows both anticipated expenses and income for the period;

[12./11. An itemized schedule of all fees to be assessed to applicants;

[13./12. Verification of availability of not less than ninety (90) days operating capital;

[14./13. A copy of the Civil Rights Agreement signed by the president of the governing board or the agency director;

[15./14. An outline of the agency's proposed program and the specific geographic area to be served (this shall be directly related to the number of staff and the geographic area to which it can actually provide services);

[16./15. A projected staffing plan for the anticipated capacity and programming of the agency;

[17./16. A written statement clearly setting forth the authority and responsibilities delegated to a director, administrator, or supervisor, if other than the owner. When the responsibility for the operation of an agency rests with the governing board, that governing board shall establish written policies and procedures which clearly establish the lines of responsibility governing the operation of the agency. These shall include a statement of the kind and extent of authority delegated to the director employed to carry out the program;

[18./17. A written description of intake policies which delineates the types of services to be provided, specific programs offered, and the methods of care and treatment to be provided;

[19./18. Job title, job description, and minimum qualifications for all staff;

[20./19. Written child abuse and neglect reporting policy;

[21./20. Written personnel practices, including staff training and orientation;

[22./21. Written discipline policy for children in care;

[23./22. Written visitation policy for children in care;

[24./23. Written health care policy for children in care which shall include preventive, medical, eye, hearing, and dental care;

[25.]24. A written statement of any religious practices or religious restrictions;

[26.]25. A written plan for all foster parent training; and

[27.]26. Proof of professional and commercial general liability insurance.

**(C) The application shall be complete when the Child Placing Agency has submitted and the division has received a fully completed application form and all necessary supporting documentation.**

**[(C)](D)** A new application shall be filed—

1. If the agency fails to follow through with completing the requirements for licensure within six (6) months of initial application;

2. When an application for licensure has been withdrawn, and the agency seeks to reapply;

3. When there is a change of ownership or corporate status of the agency;

4. When the division has revoked or refused to renew a license, and a new license is sought; *and* or

5. When a license or application has been voluntarily surrendered or withdrawn by the applicant.

### (3) Licensing Assessment.

**(A) After the application is complete the division will conduct a thorough assessment of the agency [shall be made by the division],** including a review of the documents required in this rule and visits to the agency to determine compliance with the licensing law and applicable rules.

### (6) Licensing Renewal.

**[(A)]** Application forms for renewal of licensure shall be mailed to the child placing agency by the division at least sixty (60) days prior to the expiration of the license.]

**[(B)](A)** The Child Placing [a]Agency shall complete and return the application to the division [thirty (30)] sixty (60) days prior to the expiration of the current license. The Child Placing Agency shall utilize the forms indicated in paragraph (2)(A)1. of this regulation to initiate the license renewal process. The Child Placing Agency shall attach all additional supplementary materials and documentation that may be necessary to complete the required application. The Child Placing Agencies shall submit the form with supplementary materials by email to the division to the following email address: [CD.CHILDPLACINGAPPS@dss.mo.gov](mailto:CD.CHILDPLACINGAPPS@dss.mo.gov). The application form shall be signed by the Director of the Child Placing Agency or the Director's authorized designee. The division will accept electronic signatures.

**[(C)](B)** The division shall initiate action on the completed application prior to the expiration of the existing licensure period.

**[(D)](C)** When an agency has made timely and sufficient application for renewal of a license, and the division fails to render a decision on the application for renewal of the license prior to the expiration date on the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final decision of the division has been made. The division may further extend the period in which such decision must be made in individual cases for up to thirty (30) additional days, if good cause is shown.

**[(E)](D)** In addition to the completed renewal application, the [following documents shall be] Child Placing Agency shall submit/ed/ the following documentation with the application:

1. Verification of a biennial physical examination, completed by a licensed physician, registered nurse who is under the supervision of a licensed physician, or an advanced practice nurse in a collaborative agreement with a licensed physician for all staff working directly with children (see 13 CSR 35-73.030(3)(A));

2. A current governing board roster, with officers identified, including the addresses and a notarized letter of acceptance from each member;

3. A summary of any significant changes to programs and copies of any resulting policies or policy changes;

4. A copy of the current organizational chart;

5. A completed personnel report on a form prescribed by the division;

**6. Certification that all individuals who are required to submit to a background check have completed their background checks and have been found eligible by the division for employment or presence at the Child Placing Agency as provided in section 210.493, RSMo, and 13 CSR 35-71.015;**

**[6.]7.** Results of an annual check of the Child Abuse and Neglect CRU for all staff, contracted personnel, and volunteers working with children;

**[7.]8.** Results of the annual criminal records check for all staff, contracted personnel, and volunteers working with children;

**[8.]9.** A copy of a biennial financial audit and evaluation of the financial soundness of the operation conducted by a certified public accountant not employed by the agency;

**[9.]10.** A copy of the budget for the current calendar or fiscal year;

**[10.]11.** A statistical report on a form supplied by the division;

**[11.]12.** A list of the names and addresses of all current foster homes licensed by the agency;

**[12.]13.** An annual written plan for all foster parent training;

**[13.]14.** A written plan indicating how the agency will provide for the transfer of records on both open and closed cases in the event the agency closes;

**[14.]15.** An annual program evaluation;

**[15.]16.** An itemized schedule of all fees to be assessed to applicants; and

**[16.]17.** Copies of all written agreements (contracts) for the adoption process.

**(E) When an agency has made timely and sufficient application for renewal of a license, and the division fails to render a decision on the application for renewal of the license prior to the expiration date on the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final decision of the division has been made. The division may further extend the period in which such decision must be made in individual cases for up to thirty (30) additional days, if good cause is shown.**

*AUTHORITY: sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-73.012. Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.012 and amended: Filed Aug. 20, 2018, effective April 30, 2019. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Amended: Filed Sept. 17, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 13—DEPARTMENT OF SOCIAL SERVICES Division 35—Children's Division Chapter 73—Child Placing Agencies

### PROPOSED AMENDMENT

**13 CSR 35-73.017 Hearings and Judicial Review.** The division is



amending section (1).

*Missouri Register. No public hearing is scheduled.*

*PURPOSE: The purpose of this proposed amendment is to ensure that the rule is updated to reflect the needs of current practice and to ensure that the rules are consistent with the requirements of HB 557 (2021).*

(1) License Denial, or Revocation.

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who—

1. Fails consistently to comply with the applicable provisions of sections 210.481–210.536[,/] and Chapter 453, RSMo, if licensed as an adoption agency, and the applicable corresponding rules;

2. Violates any of the provisions of its license;

3. Violates state laws or rules relating to the protection of children;

4. **Abuses or neglects children, or /P/permits the abuse or neglect of children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a finding of probable cause to suspect child abuse or neglect and fails to take corrective action acceptable to the division to ensure the safety of children;**

5. **Employs persons who the division has found ineligible for employment or presence at the Child Placing Agency pursuant to section 210.493, RSMo, and 13 CSR 35-71.015, or who abuse or neglect children, or are the subjects of multiple [or serious] reports of child abuse or neglect which upon investigation results in a finding of [probable cause to suspect] preponderance of the evidence that the individual is responsible for child abuse or neglect and the agency fails to take corrective action acceptable to the division to ensure the safety of children;**

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or to make available to the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip, and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule, or ordinance applicable to the location of a facility; or

10. Fails to provide adequate financial resources for the satisfactory care of children being served.

*AUTHORITY: sections [210.481-210.536, RSMo (1994) and (Cum. Supp. 1996)] 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-73.017. Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.017, effective June 30, 2018. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Amended: Filed Sept. 17, 2021.*

*PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions five hundred seventy-four thousand two hundred eighty-two dollars (\$574,282) in FY22 and six hundred fifty-five thousand one hundred seventy-six dollars (\$655,176) in FY23.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** 13-Social Services  
**Division Title:** 35-Children's Division  
**Chapter Title:** 73-Child Placing Agencies

<b>Rule Number and Name:</b>	13 CSR 35-73.017 Hearing and Judicial Review
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Cost of Compliance in the Aggregate</b>
<b>DSS</b>	<b>\$574,282 in FY 22. \$655,176 in FY 23.</b>

**III. WORKSHEET**

Implementation of this rule will require 7 FTE.

## FY 22 Cost calculation

Salaries	\$298,305
Fringe Benefits	\$180,745
<u>Equipment and Expense</u>	<u>\$ 95,232</u>
<b>Total</b>	<b>\$574,282</b>

## FY 23 Cost calculation

Salaries	\$361,546
Fringe Benefits	\$218,080
<u>Equipment and Expense</u>	<u>\$ 75,550</u>
<b>Total</b>	<b>\$655,176</b>

**IV. ASSUMPTIONS**

The Division of Legal Services anticipates the need for two litigation attorneys to advise and represent the Children's Division (CD) in child health and safety assessment proceedings; injunctive proceedings to halt operations at residential care facilities; investigative subpoenas, proceedings regarding the removal and placement of children; to defend additional Children's Division findings of child abuse or neglect in the circuit courts; and to advise CD on determinations of eligibility to be present or employed at

licensed residential care facilities and child placing agencies and to be present or employed at license-exempt residential care facilities.

The Division of Legal Services further anticipates the need for 1 Hearings Officer and one Special Counsel for hearings regarding eligibility of those to be present or employed at licensed residential care facilities and child placing agencies and to be present or employed at license-exempt residential care facilities.

The Children's Division will require 3 Children's Service Workers to prepare information for hearings.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 73—Child Placing Agencies**

**PROPOSED AMENDMENT**

**13 CSR 35-73.030 Personnel Practices and Personnel.** The division is amending sections (1), (2), (6), and (7).

*PURPOSE:* This proposed amendment implements House Bill 557 (2021) by adding requirements for any individual associated with a child placing agency to successfully complete a background check and an annual Family Care Safety Registry check before the division considers that person eligible for employment at the agency.

(1) Personnel Practices.

(D) The agency shall require that each [employee secure and provide to the agency an annual criminal records check from a state law enforcement agency] **individual associated with the agency who is required to submit to a background check pursuant to section 210.493, RSMo, 13 CSR 35-71.015, and 13 CSR 35-73.035 successfully complete the background check and be found eligible by the division for employment or presence at the licensed child placing agency.**

(2) Child Abuse and Neglect Central Registry Unit (CA/N CRU) Checks.

(A) **After the background checks have been completed, [T]he** agency shall request from the division an annual check of the **Family Care Safety Registry and the** Child Abuse and Neglect Central Registry Unit to determine whether a child abuse and/or neglect report has been received on staff members, **employees**, contracted personnel, and volunteers working directly with children. **[The CRU checks shall be submitted either at the time of employment or within ten (10) days following employment, and annually thereafter.]** Results of the checks shall be on file at the agency.

(6) Staff Orientation. Immediately before or following appointment, a staff member shall be oriented to the agency's programs, practices, and the duties and expectations of his/her position. The orientation program shall include, but not be limited to—

(G) **The laws and procedures governing the [C]confidentiality of information and records;**

(7) Staff Development.

(E) The training plan shall include, but not be limited to:

1. Developmental needs of children;
2. The direct care and professional staff roles in the facility;
3. Specific requirements of the applicable laws relating to adoption that effect the performance of their duties, as well as local court rules;
4. Trans-racial and cross-cultural placement;
5. Cultural diversity;
6. Separation and attachment issues;
7. Conducting a family assessment; *[and]*
8. Adoption-related training, if agency provides such service;
- [A.]9.* Interstate Compact for the Placement of Children (ICPC) and Interstate Compact on Adoption and Medical Assistance (ICAMA);
- [B.]10.* Adoption subsidy;
- [C.]11.* International adoptions;
- [D.]12.* Adoption search issues;
- [E.]13.* Adoption risk issues;
- [F.]14.* Post-placement services; and
- [G.]15.* Post-legal adoption services.

*AUTHORITY* sections 207.020, **210.506**, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule

*originally filed as 13 CSR 40-73.030. Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Amended: Filed Sept. 17, 2021.*

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children's Division**  
**Chapter 73—Child Placing Agencies**

**PROPOSED AMENDMENT**

**13 CSR 35-73.035 Staff Qualifications and Requirements.** The division is amending sections (1)-(8).

*PURPOSE:* The purpose of this proposed amendment is to ensure that the language of the rule is consistent with current practices, and to incorporate the requirements of House Bill 557 (2021).

(1) Employee Qualifications. The agency shall employ staff who are qualified by education, training, and experience for their assigned responsibilities. A current employee who has qualified for a position under the previous rule and is serving in that position shall be exempt from meeting any increased requirements defined by these rules. **Each individual associated with the agency who is required to submit to a background check pursuant to section 210.493, RSMo, and 13 CSR 35-71.015 must also successfully complete the background check and be found eligible by the division for employment or presence at the licensed child placing agency.**

(2) Administrative Personnel.

(D) The administrator's responsibilities include:

1. Developing, implementing, and maintaining policies and procedures for program and fiscal operation under the direction of the governing board **and maintaining compliance with all applicable requirements of federal and state law, including the background check and eligibility requirements of section 210.493, RSMo, and 13 CSR 35-71.015;**
2. Keeping the governing board informed of the program and management of the agency;
3. Interpreting and implementing recognized standards for child welfare services;
4. Ensuring that the agency achieves and maintains compliance with the requirements of the licensing rules;
5. Employing, evaluating, and discharging staff members, in accordance with the agency's established personnel policies; and
6. Ensuring the maintenance of current client's records and statistics.

(3) Supervisor of Placement Services.

**(B) Supervisors of placement services are required to submit to background checks and be found eligible by the division for**

**employment or presence at the licensed child placing agency pursuant to section 210.493, RSMo, and 13 CSR 35-71.015.**

**(4) Professional Personnel.**

(B) Professional staff who perform social work tasks, counseling with children and their families, therapeutic services, or planning of services for children and their families, shall have a master's degree in social work, psychology, counseling, or a closely related clinical field from an accredited college or university. Professional staff may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if s/he is under the direct supervision of a qualified supervisor of placement services (13 CSR 35-73.035(3)).

**(E) Professional personnel are required to submit to background checks and be found eligible by the division for employment or presence at the licensed child placing agency pursuant to section 210.493, RSMo, and 13 CSR 35-71.015.**

**(5) Contracted Personnel.**

(E) A file shall be maintained for each contracted personnel which includes:

1. A copy of the signed contract;
2. Verification of education and experience;
3. Verification of character references from three (3) persons, unrelated to the staff member;
4. Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;
5. A copy of the job description signed by the contractor;
6. Reports of initial and subsequent biennial physical examinations;
7. Results of annual checks of the Child Abuse and Neglect Central Registry Unit (CA/N CRU) /C/checks;
8. Copies of an annual performance evaluation;
9. *[Results of the annual criminal records check]*

**Documentation that each individual associated with the agency who is required to submit to a background check pursuant to section 210.493, RSMo, and 13 CSR 35-71.015 has successfully completed the background check and is found eligible by the division for employment or presence at the licensed child placing agency; and**

10. Documentation of orientation and annual staff training.

**(6) Students and Interns.**

(A) Interns, *[G/graduate [or undergraduate] students, and students in a field work placement at the agency shall be subject to the general personnel policies of the agency, but shall not be considered or used as substitutes for employed staff. A written plan for using students will include:*

1. A plan for the selection, orientation, training, assignment, and evaluation of students;
2. A description of what services the student is responsible for and what arrangement the agency has for supervising the students;
3. A signed statement of their understanding of confidentiality;
4. A copy of the written plan shall be given to each student, his/her school, and to the supervising staff members; and
5. A plan for coverage of caseload in student's absence.

**(B) Interns, graduate students, and students are required to submit to background checks and be found eligible by the division for employment or presence at the licensed child placing agency pursuant to section 210.493, RSMo, and 13 CSR 35-71.015.**

**(7) Clerical Staff *[Shall Be Employed as Needed]*.**

**(C) Clerical staff shall submit to background checks and be found eligible by the division for employment or presence at the licensed child placing agency pursuant to section 210.493, RSMo, and 13 CSR 35-71.015.**

(8) An agency shall not be wholly dependent upon the use of volunteers to ensure the provision of services. If an agency uses volunteers as part of its program of services, the agency shall have written policies which include:

(H) Maintaining a file for each volunteer, who works directly with children including applications, verification of CA/N CRU and *[criminal records]* background checks, and task assignments and annual evaluations;

(I) Procedures for observing professional ethics and confidentiality of records and information;

*AUTHORITY: sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-73.035. Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.035 and amended: Filed Sept. 7, 2018, effective April 30, 2019. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expires March 29, 2022. Amended: Filed Sept. 17, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 3—Conditions of Provider Participation,  
Reimbursement, and Procedure of  
General Applicability**

**PROPOSED RULE**

**13 CSR 70-3.035 Violations Attested to by the Department of Health and Senior Services**

*PURPOSE: This rule adds violations determined by the Department of Health and Senior Services as independent grounds for provider sanctions.*

Violations of 13 CSR 70-3.030(3) identified by the Department of Health and Senior Services (DHSS) or its designee during the course of an investigation shall be considered for purposes of sanctions without the need for further investigation by the Missouri Medicaid Audit and Compliance Unit (MMAC). The DHSS shall report any such violations by sworn affidavit to MMAC. Prior violations of 13 CSR 70-3.030(3) or other program violations, including, but not limited to, program violations as determined by and attested to by affidavit by the DHSS, shall be considered in their totality to determine if there is an ongoing pattern of violations. Such pattern of violations shall weigh heavily to support invoking severe sanctions.

*AUTHORITY: sections 1.205, 208.153, 208.201, and 660.017, RSMo 2016. Emergency rule filed Oct. 1, 2021, effective Oct. 18, 2021, expires April 15, 2022. Original rule filed Oct. 1, 2021.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the*

aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 6—Emergency Ambulance Program**

**PROPOSED RULE**

**13 CSR 70-6.020 Ground Emergency Medical Transportation Uncompensated Cost Reimbursement Program**

**PURPOSE:** This rule implements the Ground Emergency Medical Transportation (GEMT) Uncompensated Cost Reimbursement Program established pursuant to section 208.1030, RSMo, which is a voluntary program that makes reconciled cost reimbursement to eligible GEMT providers that furnish qualifying emergency ambulance services to MO HealthNet participants on or after July 1, 2017.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

**(1) Scope and Definitions.**

(A) Under the Ground Emergency Medical Transportation (GEMT) Uncompensated Cost Reimbursement Program (hereinafter the "program"), the MO HealthNet Division (MHD) makes reconciled cost reimbursement to eligible GEMT providers up to the uncompensated Medicaid costs associated with GEMT services. This reconciled cost reimbursement applies only to GEMT services rendered to MHD participants by eligible GEMT Providers on or after July 1, 2017. Total reimbursements from MHD, including the reconciled cost reimbursement, will not exceed one hundred percent (100%) of the eligible GEMT provider's actual costs of providing GEMT services to MHD participants. The supplemental MHD reimbursement shall be distributed to eligible GEMT providers based on GEMT services provided to MHD participants on a per-transport basis. The reconciled cost reimbursement is not an individual increase to current fee-for-service reimbursement rates.

**(B) Definitions.**

1. Cost objective means a function or category of service for which costs are incurred.

2. Direct cost means, in accordance with 2 CFR 200.413, direct costs are those costs that—

A. Can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity; or

B. Can be directly assigned to such activities relatively easily with a high degree of accuracy.

3. Eligible GEMT provider means a provider who is eligible to receive reconciled cost reimbursement under this program because it meets the following requirements continuously during the claiming

period:

A. Provides GEMT services to MHD participants;

B. Is enrolled as an MHD provider for the period being claimed; and

C. Is owned, operated, or contracted by the state or a political subdivision of the state.

4. Emergency Medical Response (EMR) means a cost objective that includes all expenditures for GEMT services.

5. GEMT services means both the act of transporting an individual from any point of origin to the nearest medical facility capable of meeting the emergency medical needs of the patient, as well as the advanced, limited-advanced, and basic life support services provided to an individual by eligible GEMT providers before or during the act of transportation. As of January 1, 2020, GEMT services also include advanced, limited-advanced, and basic life support services provided to an individual who is released on the scene without transportation by ambulance to a medical facility. Advanced, limited-advanced, or basic life support services provided to an individual who is released on the scene without transportation by ambulance to a medical facility prior to January 1, 2020, shall not be considered GEMT services. A run that does not result in a transport or delivery of on-site advanced, limited-advanced, or basic life support services shall not be considered GEMT services.

6. Indirect cost means those costs that are incurred by a supporting organization or related party which are not directly accounted for as costs for EMR services, non-EMR services or shared costs. Examples of indirect costs include overhead costs (i.e. accounting, human resources, etc.) incurred by a city, county, or other local government agency or special district that benefit the eligible GEMT provider, but the eligible GEMT provider has not been charged for those costs. The identification of shared costs does not preclude an eligible GEMT provider from also incurring indirect costs, and it is appropriate in certain cases for the uncompensated Medicaid costs to include both shared costs and indirect costs.

7. MHD participant means a patient enrolled in fee-for service Missouri Medicaid.

8. Non-Emergency Medical Response (non-EMR) means a cost objective that includes expenditures for non-medical emergency services, such as fire suppression not including medical services, and non-emergency ancillary services, such as fire prevention and fire permit issuance that are performed in the absence of an emergency in order to support preparedness, mitigate the need for emergency response, or lessen the severity of an emergency that might occur.

9. Reconciled cost reimbursement means a payment to eligible GEMT providers up to the uncompensated Medicaid costs associated with GEMT services for MHD participants.

10. Shared costs means costs that cannot be directly assigned to EMR services or non-EMR services relatively easily with a high degree of accuracy. Examples of shared costs include personnel who perform EMR and non-EMR services and overhead departments who perform EMR and non-EMR services.

11. Shift means a standard period of time assigned for a complete cycle of work, as set by each eligible GEMT provider. The number of hours in a shift may vary among providers but will be consistent for each individual provider.

12. Service period means July 1 through June 30 of each Missouri State fiscal year.

13. Transport means GEMT services that are provided by eligible GEMT providers to individuals, regardless of whether the service was billed or paid. Medicaid transports includes GEMT services for Medicaid managed care, Medicaid crossover and Medicaid fee for service patients. Other payer program transports shall be GEMT services provided to patients with payer sources other than Medicaid. Transportation services that do not involve an emergency or which are non-medical emergencies shall not be included as Transports. GEMT services that are denied as not medically necessary shall not be included as transports.

14. Uncompensated Medicaid costs means the cost of GEMT

Services for MHD participants that exceeds the reimbursement received from, but not limited to, Medicaid, patients, and enhanced supplemental payments received from the ambulance service reimbursement allowance under 13 CSR 70-3.200. Cost excludes Medicaid managed care and dual-eligible Medicaid Transports.

15. Dual-eligible Medicaid transport means any transport where Medicaid is not the primary payor due to other coverage including Medicare or other private insurance. These costs will not be reimbursed in the GEMT supplemental program.

(2) Participation and Enrollment Requirements.

(A) Participation in the GEMT program is voluntary.

(B) Ambulance providers that are not owned, operated, or contracted by the state or a political subdivision of the state are not eligible to participate in the program.

(C) As a condition of participation under this program, eligible GEMT providers shall transfer an administrative fee to MHD in an amount not to exceed five percent (5%) of the nonfederal share of the uncompensated Medicaid costs associated with GEMT Services as identified in the eligible GEMT provider's as-filed cost report. Such fee shall be transferred separately from the intergovernmental transfer of funds to MHD.

(D) An eligible GEMT provider must complete and submit to MHD the following forms, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, September 22, 2021, and may be downloaded from <https://dss.mo.gov/mhd/providers/gemt.htm>, obtained by emailing a written request to [Ask.GEMT@dss.mo.gov](mailto:Ask.GEMT@dss.mo.gov), or acquired in-person at 615 Howerton Court, Jefferson City, MO 65109. This rule does not include any subsequent amendments or additions:

1. GEMT Program Provider Agreement for the MO HealthNet Division Ground Emergency Medical Transportation (GEMT) Uncompensated Cost Reimbursement Program;
2. Electronic Funds Transfer Authorization Agreement;
3. Intergovernmental Transfer of Public Funds Agreement; and
4. Administration Fee Agreement.

(3) Interim Payments and Cost Settlement Process.

(A) If the eligible GEMT provider's as-filed cost report reflects that the eligible GEMT provider has uncompensated Medicaid Costs associated with GEMT services, the eligible GEMT provider is eligible to receive an interim payment from MHD. The eligible GEMT provider will make an intergovernmental transfer of funds to MHD in an amount equivalent to the nonfederal share of the uncompensated Medicaid costs amount shown on the as-filed cost report. MHD will then make an interim payment to the eligible GEMT provider in the amount of the total uncompensated Medicaid costs.

(B) If the eligible GEMT provider's as-filed cost report does not reflect any uncompensated Medicaid costs associated with GEMT services, then the provider is not entitled to receive an interim payment from MHD under this supplemental payment program and will not be responsible for any costs associated with implementing the GEMT program.

(C) MHD will audit and reconcile the as-filed cost reports within one (1) year of receipt of the as-filed cost reports, unless MHD determines that additional time is needed, not to exceed three (3) years from receipt of the as-filed cost reports. To audit and reconcile the as-filed cost reports, MHD will use paid claims data for the service period generated from the Medicaid Managed Information Systems (MMIS) and eligible GEMT provider records. MHD will make adjustments to the as-filed cost report based on the audit and reconciliation and send the provider its preliminary findings within sixty (60) days of initiating the audit and reconciliation process and receiving all relevant data from providers. The provider will be given sixty (60) days to respond to MHD's preliminary findings, unless an extension is granted by MHD. MHD's final audit and reconciliation decision will be issued within sixty (60) days after receipt of MHD's pre-

liminary findings. If at the end of the final audit and reconciliation it is determined that the interim payment made to the eligible GEMT provider exceeded the provider's uncompensated Medicaid costs associated with GEMT services, the provider shall return the excess amount associated with the federal share to MHD and MHD will return the amount to the federal government pursuant to 42 CFR 433.316. If at the end of the final reconciliation it is determined that the interim payment made to the eligible GEMT provider was lower than the provider's uncompensated Medicaid costs associated with GEMT services, the eligible GEMT provider shall make an additional intergovernmental transfer to MHD in an amount equivalent to the nonfederal share of the underpayment, and MHD will then make an additional payment to the eligible GEMT provider of the full underpayment amount. MHD shall recoup funds paid out under section 208.1030, RSMo, and this regulation upon a disallowance of federal financial participation (FFP) for those funds. The recoupment will follow the process outlined in 13 CSR 70-3.030(6).

(D) Each provider's uncompensated Medicaid cost associated with GEMT services is the sum of the number of transports for MHD participants provided during the applicable service period shown as paid in MMIS data, excluding Medicaid managed care and dual-eligible Medicaid transports, and contained in eligible GEMT provider records, multiplied by the provider's per-transport cost rate, less all amounts received and payable from MHD (excluding Medicaid managed care payments) and patients for such transports as shown in the MMIS and eligible GEMT provider records, and all other sources of reimbursement for such transports. Other sources of reimbursement include, but are not limited to, co-payments received from participants, and enhanced supplemental payments received from the ambulance service reimbursement allowance under 13 CSR 70-3.200.

(E) Each provider's per-transport cost rate is determined by adding the provider's allowable direct, shared, and indirect costs of providing GEMT services divided by the total number of transports provided for the applicable service period.

(4) Cost Report Requirements.

(A) To receive reconciled cost reimbursement under the GEMT program, each eligible GEMT provider must submit an annual cost report to MHD. The cost report form and the cost report instructions are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, and available at <https://dss.mo.gov/mhd/providers/gemt.htm>, or by emailing a written request to [Ask.GEMT@dss.mo.gov](mailto:Ask.GEMT@dss.mo.gov), September 22, 2021. This rule does not incorporate any subsequent amendments or additions.

(B) The cost report must be completed in compliance with the requirements set forth in this regulation and the cost report instructions incorporated herein. The eligible GEMT provider shall submit the cost report to MHD by November 30 for the prior state fiscal year ending June 30, unless the provider has submitted a written request to MHD for an extension and such request is granted by MHD. Any written request for an extension must include a detailed explanation of the circumstances supporting the need for additional time. Extensions may be granted by MHD for good cause.

(C) Each provider shall maintain fiscal and statistical records for the services period covered by the cost report. All records must be accurate and sufficiently detailed to substantiate the cost report data. The records must be maintained until the later of—

1. The division certifies that the cost report is finalized and settled; or
2. A period of six (6) years following the submission of the cost report. If an audit is in progress, all records relevant to the audit must be retained until the audit is completed or the final resolution of all audit exceptions, deferrals, and/or disallowances.

(D) All costs reported must be in accordance with the following:

1. Allowable and unallowable costs.

A. Reconciled cost reimbursement is available only for allowable costs incurred for GEMT services rendered to MHD participants based on the provider's financial data reported on the cost report.

B. Computation of allowable costs and their allocation methodology must be determined in accordance with the Centers for Medicare and Medicaid Services (CMS) Provider Reimbursement Manual (CMS Pub. 15-1), 2 CFR Part 200, and 42 CFR Part 413, except as expressly modified herein.

(I) Part 200 of Title 2, *Code of Federal Regulations*, is incorporated by reference and made a part of this rule as published by the Office of the Federal Register, 800 North Capitol Street NW, Suite 700, Washington, DC 20408, and available at <https://dssrule-tracker.mo.gov/dss-proposed-rules/welcome.action>, January 1, 2021. This rule does not incorporate any subsequent amendments or additions.

(II) Part 413 of Title 42, *Code of Federal Regulations*, is incorporated by reference and made a part of this rule as published by the Office of the Federal Register, 800 North Capitol Street NW, Suite 700, Washington, DC 20408, and available at <https://dssrule-tracker.mo.gov/dss-proposed-rules/welcome.action>, October 1, 2020. This rule does not incorporate any subsequent amendments or additions.

(III) The Provider Reimbursement Manual—Part 1 (CMS Pub. 15-1) is incorporated by reference and made a part of this rule as published by the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244, and available at <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Paper-Based-Manuals-Items/CMS021929>, September 22, 2021. A copy is available at the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. This rule does not incorporate any subsequent amendments or additions.

C. Costs which are considered unallowable include expenditures, such as bad debts, contributions and donations, entertainment including alcoholic beverages, fundraising costs, lobbying, legal judgments, and fines or penalties, which 2 CFR Part 200 does not permit to be charged to federal programs. If unallowable costs are not easily identifiable from allowable costs, the associated revenues received for providing the unallowable services will be offset against allowable cost. Additionally, for the purposes of Medicaid cost identification for the GEMT program, expenditures attributed to the non-emergency medical response cost objective are not costs incurred for GEMT services.

D. Amounts required to be paid pursuant to the ambulance service reimbursement allowance (AFRA) under 13 CSR 70-3.200, excluding administrative fees and pooling fees, are allowable for GEMT services. Pooling payments received from participation in the ambulance service reimbursement allowance program shall reduce the ambulance service reimbursement allowance amount reported as allowable by the provider.

E. Administrative costs incurred for reimbursing MHD for costs associated with implementing the GEMT program must be excluded from the cost report.

F. Eligible GEMT providers routinely use contract billing service providers to assist with the administrative functions of billing and collecting on patient accounts. Payments to contract billing service providers are an allowable administrative cost. Fee arrangements based on hourly rates, fixed amounts, percentage of collection, or other methods are all considered allowable for computing uncompensated Medicaid costs, however, all payments to contract billing service providers must not exceed fair market value; and

## 2. Direct and Indirect Costs.

A. All direct costs must be reasonable and necessary and must be supported by documentation from which the costs incurred by the provider can be readily discerned and verified with reasonable certainty. Such documentation shall be subject to review by MHD.

B. Eligible GEMT providers that do not provide fire services

would not have shared costs and the cost report would reflect only EMR direct costs. Eligible GEMT providers that do not provide fire services but provide training (of non-employees) or non-emergency medical transportation services (e.g., non-emergency transportation between medical facilities or patient homes) shall include the costs of such services in their EMR direct costs, but shall offset those costs by any reimbursement received for such services up to the amount of costs for such services.

C. There is no universal rule for classifying certain costs as either direct cost or shared cost under every accounting system. A cost may be direct cost with respect to some specific service or Cost objective, but shared cost with respect to the federal award or other final cost objective. Therefore, it is essential that each item of cost incurred for the same purpose be treated consistently in like circumstances as a direct cost or a shared cost in order to avoid possible double-charging of federal awards. For example, any cost incurred by an eligible GEMT provider which includes both costs incurred applicable to non-EMR services as well as GEMT services must in their entirety be consistently classified as direct or shared costs.

D. Direct costs for providing GEMT services include only the unallocated payroll costs for the shifts in which personnel dedicate one hundred percent (100%) of their time to providing GEMT services, medical equipment and supplies, and other costs directly related to the delivery of GEMT services, such as first-line supervision, materials and supplies, professional and contracted services, capital outlay, travel, and training. These costs must be in compliance with federal Medicaid non-institutional reimbursement policy and are directly attributable to the provision of the GEMT services.

E. Shared costs for EMR and non-EMR services shall be allocated based on a reasonable method in accordance with the guidelines in 2 CFR Part 200. The cost report shall allow the provider to use any reasonable method allowed in the Centers for Medicare and Medicaid Services (CMS) Provider Reimbursement Manual (CMS Pub. 15-1), 2 CFR Part 200, and 42 CFR Part 413, an example of reasonable methods include, among others:

- (I) Square footage allocations for capital cost;
- (II) Depreciation cost for capital cost; or
- (III) Time studies for salaries and benefits.

F. When providing allocation information, statistics from the shared costs should not be included in the calculations for allocation between EMR and non-EMR services.

G. Pursuant to 2 CFR Part 200, indirect costs are determined in accordance to one (1) of the following options:

(I) Eligible GEMT providers that receive more than thirty-five million dollars (\$35,000,000) in direct federal awards must either have a Cost Allocation Plan (CAP) or a cognizant agency approved indirect rate agreement in place with its federal cognizant agency to identify indirect cost. If the provider does not have a CAP or an indirect rate agreement in place with its federal cognizant agency and it would like to claim indirect cost in association with a non-institutional service, it must obtain one (1) or the other before it can claim any indirect cost;

(II) Eligible GEMT providers that receive less than thirty-five million dollars (\$35,000,000) of direct federal awards are required to develop and maintain an indirect rate proposal for purposes of audit. In the absence of an indirect rate proposal, providers may use methods originating from a CAP to identify its indirect cost. If the provider does not have an indirect rate proposal on file or a CAP in place and it would like to claim indirect cost in association with a non-institutional service, it must secure one (1) or the other before it can claim any indirect cost;

(III) Eligible GEMT providers which receive no direct federal funding can use any of the following previously established methodologies to identify indirect cost:

- (a) A CAP with its local government;
- (b) An indirect rate negotiated with its local government;

or

- (c) Direct identification through use of a cost report;



(IV) If the GEMT provider never established any of the above methodologies, it may do so, or it may elect to use the ten percent (10%) *de minimis* rate to identify its indirect cost.

*AUTHORITY* sections 208.1030, 208.201, and 660.017, RSMo 2016. Original rule filed Sept. 22, 2021.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 15—Hospital Program

#### PROPOSED AMENDMENT

**13 CSR 70-15.040 [Inpatient] Hospital [and] Outpatient [Hospital] Settlements.** The division is amending the title, the purpose, and sections (1), (2), and (4), removing section (3) and (5), adding a new section (4), and renumbering as necessary.

*PURPOSE:* This amendment deletes or clarifies outdated terms, language, and provisions regarding hospital inpatient and outpatient settlements. The division is removing the provisions governing inpatient settlements entirely, since the practice of calculating settlements for those services has ceased.

*PURPOSE:* This regulation defines the specific procedures used to calculate the final [or amended settlements] **outpatient settlements** for hospital providers. [These settlements are authorized in 13 CSR 70-15.010.]

(1) General. This regulation defines the specific procedures used to calculate [inpatient and] outpatient settlements for Missouri in-state hospitals participating in the Missouri Medicaid program. [Although inpatient and outpatient settlements are calculated at the same time, an overpayment for outpatient services shall not be offset against an underpayment for inpatient services. Outpatient settlement shall not be determined for cost reports periods ending after December 31, 1998 except for recently closed hospitals, new hospitals, and nominal charge providers as provided for in paragraph (4)(E)4. and hospitals that had a change in ownership or merged operation in paragraph (4)(E)5. and elect to stay under the retrospective payment system.] **Outpatient settlements are only determined for new hospitals and nominal charge providers.**

(A) The hospital's settlement will be determined after the division receives a Medicare/[Medicaid] cost report [from the Medicare fiscal intermediary] with a Notice of Provider Reimbursement (NPR). The cost report used for the settlement shall be the one with the latest NPR at the time the settlement is calculated. The data used, except for Medicaid data, shall be as reported in the cost report unless adjusted by this regulation. The current version of the cost report is [HCFA] Centers for Medicare and Medicaid Services (CMS) 2552-192/10, and references in this regulation are from this

cost report. However, the division will use the version of the report received from the fiscal intermediary, which may change the references.

(B) [The Medicaid data used in the final settlements will be] **The Medicaid charges used to determine the cost, and the payments used to determine the final settlement, will be from the division's paid claims [history] data for reimbursable services paid on a percentage basis under 13 CSR 70-15.160(1)-(2).** This data includes only claims on which Medicaid made payment.

(C) Pursuant to 13 CSR 70-15.160(5), effective for dates of service beginning July 20, 2021, payment for outpatient hospital services will be final, with no cost settlement.

(2) Definitions.

[(A)] **Reimbursable cost.** Reimbursable costs are the costs which are identified as reimbursable in 13 CSR 70-15.010 and the Hospital Provider Manual.

(B) **Labor/delivery room day.** A labor/delivery room day is a day where the mother enters the hospital prior to the census hour but is not admitted to the hospital until the next day after she delivers.]

[(C)](A) **Medicaid payments.** Medicaid payments included in the settlement include actual Medicaid claims payments, partial insurance payments on claims, and patient liability amounts for coinsurance and deductibles [and outlier claim payments]. If the insurance payments exceed the Medicaid liability, the claim will not be considered a Medicaid claim.

[(D)] **Inpatient service costs.** The reimbursable costs for inpatient services or costs which will be included in the final settlement are those services or costs which are provided to the Medicaid beneficiary after being admitted to the hospital. Services or costs provided prior to admission as an inpatient should be billed as outpatient services, except for cost associated with labor and delivery room days.]

[(E)](B) **Outpatient services/cost.** Reimbursable outpatient services or costs are services or costs that are provided prior to the patient being admitted to the hospital. Only outpatient services or cost which are reimbursed on a percentage of charge as defined in 13 CSR 70-15.160 will be included in the final settlement, unless they are excluded elsewhere in this regulation.

[(F)] **Routine cost center.** A routine cost center is an adult and peds unit, subprovider unit, nursery unit or special care unit.

(G) **Special care unit.** A special care unit is a hospital unit that furnishes services to critically ill inpatients. Examples are Intensive Care Units (ICU), Coronary Care Unit (CCU), or Neonatal Care Unit. The ICU unit may be for only one (1) type of patient or for all critically ill patients.

(H) **Paid days.** Paid days are the actual number of days paid for inpatient services on claims with the first date of service within the fiscal period of the cost report.

(I) **Routine charges.** Routine charges are the charges billed by the hospital for the care provided to the patient in a routine care center. These services are normally provided to all patients in the hospital.]

[(J)](C) **Ancillary charges.** Ancillary charges are the charges billed by the hospital for services that are not routinely provided in the routine care center and are not provided to all patients.

[(K)] **Private room day.** A private room day is a day when due to the patient's medical condition it is determined that the patient should be alone in a room.]

(D) **New hospitals.** A hospital which does not have a fourth prior year cost report necessary for establishment of a prospective rate will have final settlement calculated for their initial three (3) cost report periods.

(E) **Nominal charge provider.** A nominal charge provider must meet one (1) of the following criteria:

1. An acute care hospital with an unsponsored care ratio of

at least sixty-five percent (65%) and is licensed for fifty (50) inpatient beds or more and has an occupancy rate of more than forty percent (40%). The unsponsored care ratio is determined as the sum of bad debts and charity care divided by total net revenue. The hospital must meet one (1) of the federally mandated disproportionate share qualifications; or

2. A public non-state governmental acute care hospital with a low income utilization rate (LIUR) of at least fifty percent (50%) and a Medicaid inpatient utilization rate (MIUR) greater than one (1) standard deviation from the mean, and is licensed for fifty (50) inpatient beds or more and has an occupancy rate of at least forty percent (40%); or

3. The hospital is a public hospital operated by the Department of Mental Health primarily for the care and treatment of mental disorders.

(F) Division. Unless otherwise designated, division refers to the MO HealthNet Division (MHD) a division of the Department of Social Services charged with the administration of the MO HealthNet program.

[(L)](G) Incorporation by [R]reference. [This rule adopts and incorporates by reference the provisions of the—] This rule incorporates by reference the following:

[1. Current Medicare/Medicaid cost report forms that have a Notice of Provider Reimbursement (NPR) from the Medicare fiscal intermediary; and]

2. Missouri Medicaid Institutional (Hospital) Manual.]

1. The Hospital Provider Manual is incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at <https://manuals.momed.com/manuals>, September 10, 2021. This rule does not incorporate any subsequent amendments or additions; and

2. 42 CFR part 413, which is incorporated by reference and made a part of this rule as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and available at <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-B/part-413?toc=1>, November 1, 2021. This rule does not incorporate any subsequent amendments or additions.

[(3) Inpatient settlements will be calculated based on paid day hospital services after the Medicare/Medicaid cost report is received from the fiscal intermediary. Based on this settlement the division shall make any recoupments necessary to ensure that Title XIX Medicaid payments for inpatient services do not exceed the allowable inpatient Medicaid charges. This settlement shall not result in additional payment to the hospital if its cost exceeds its payments. This settlement will be determined in the following manner:

(A) Data will be gathered from the Medicaid inpatient claim history for paid days by routine cost center; private room days; routine charges; charges for each ancillary cost center; and inpatient payments for claims with first date of service in the cost report period;

(B) The division will extract the following data from the cost report received from the fiscal intermediary:

1. The total patient days from worksheet S-3 for each routine cost center and observation bed days. The total patient days for adults and peds may be adjusted for labor and delivery room days reported on questionnaire, if not included on worksheet S-3;

2. The total cost from worksheet D-1 for adults and peds, after removing swing-beds and private room cost differential, and if the hospital has a subprovider, the total cost from worksheet D-1 for the subprovider after removing the private room cost differential. These costs are before the Respiratory Therapy/Physical Therapy (RT/PT) limit and

Reasonable Compensation Equivalent (RCE) disallowance;

3. The total cost from worksheet D-1 for special care units and nursery unit. These costs are before RT/PT limit adjustment and RCE disallowance;

4. The cost-to-charge ratio for each covered ancillary service from worksheet C Part I column 7;

5. The Direct Graduate Medical Education (GME) amount reported on worksheet E-3 Part IV line 3;

6. If the hospital is proprietary, the equity ratio from worksheet F-5 Part I line 4 column 1; and

7. The private room cost differential per diem from worksheet D-1 for adults and peds and subproviders, if provided;

(C) The inpatient Medicaid reimbursable cost will be determined as follows:

1. The Medicaid routine cost for adults and peds and subprovider units will be calculated by taking the total routine cost from paragraph (3)(B)2. From this cost will be removed the cost of observation bed days from subparagraph (3)(C)1.A. This total cost will be divided by the total patient days for adults and peds not including observation days (adjusted for labor and delivery room days if not included on worksheet S-3) plus patient days for any subprovider unit. This cost per day will be multiplied by the Medicaid paid days for adults and peds and subprovider units to determine Medicaid routine adult and peds cost. The cost of private room days will be added to this cost.

A. Observation cost will be determined by dividing the routine cost for adults and peds from paragraph (3)(C)2., by adult and peds days, adjusted by labor and delivery room days if not included, plus observation bed days. This cost per day is multiplied by the observation bed days reported on worksheet S-3 column 6 line 19 to determine the observation cost.

B. If the hospital reports medically necessary Medicaid private room days on worksheet D-1 line 14 and the data from the division's paid claim history reports private room days, the private room cost will be calculated by multiplying the private room cost differential per diem from worksheet D-1 line 35 by the lower of Medicaid private room days from the division's claims data or the private room days reported on worksheet D-1;

2. The routine inpatient cost for each special care unit will be determined by dividing the routine cost for the special care unit by the total patient days for that special care unit to determine the unit's cost per day. This cost per day will be multiplied by Medicaid paid days for that special care unit from the division's paid claim history to determine Medicaid cost (If the hospital has more than one (1) ICU unit with Medicaid days reported on the cost report, the Medicaid patient days for ICU from the division's records will be prorated based on the Medicaid days reported on the cost report.);

3. The routine cost for the nursery unit will be determined by dividing total nursery cost by total nursery days to determine the nursery cost per day. This cost per day will be multiplied by the Medicaid paid days to determine Medicaid nursery cost (Nursery days will not be prorated between nursery and neonatal. The hospital must use the proper room accommodation revenue code to bill neonatal days.);

4. The ancillary cost for each ancillary cost center will be determined by multiplying the Medicaid ancillary cost center's charges by its cost-to-charge ratio from paragraph (3)(B)4. (Based on the information in the cost report and in the division's data some ancillary accounts on the division's data may be combined.);

5. The Medicaid inpatient portion of the GME will be determined using the methodology on worksheet E-3 part IV

from the Medicare/Medicaid cost report by substituting Medicaid data in place of the Medicare data;

6. If the hospital is a proprietary hospital it may be entitled to a return on equity. This cost would be determined by multiplying the equity ratio from paragraph (3)(B)6., by the Medicaid cost in paragraphs (3)(C)1.-4.; and

(D) Comparison of Inpatient Medicaid Cost to Inpatient Medicaid Payments.

1. The total inpatient Medicaid cost will be determined as the sum of the cost in paragraphs (3)(C)1.-6.

2. The Medicaid inpatient payments include the following amounts:

A. Partial payments made by third party payers (that is, insurance companies, HMO, etc);

B. Coinsurance and deductibles, which are the responsibility of the patient whether or not they were actually collected;

C. Inpatient claims payments made by the Medicaid program; and

D. Outlier claim payments with service dates within the cost report period.

3. The total payments from subparagraph (3)(D)2.A.-D., will be subtracted from the lesser of the total cost in paragraph (3)(D)1., or the Medicaid charges from subsection (3)(A) (except hospitals identified by Medicare as a nominal charge provider for that fiscal year shall have their settlements based on cost). If the lesser of cost or charge exceeds the payment, no additional payment is due the hospital. (The inpatient settlement is zero (0) under the prospective payment plan.) If these payments exceed the charges the difference will result in an overpayment which will be due from the hospital (Disproportionate share payments are waived from the overpayment determination).]

[(4)](3) **Hospital** Outpatient [Hospital] Settlements[, Provider Based Rural Health Clinic (PBRHC) settlements or Provider Based Federally Qualified Health Centers (PBFQHC) settlements] will be calculated [after the division receives the Medicare/Medicaid cost report with a NPR from the hospital fiscal intermediary.

(A) The Division of Medical Services shall adjust the hospital's outpatient Medicaid payments, PBRHC or PBFQHC Medicaid payments to conform with the percent of cost paid on an interim basis under 13 CSR 70-15.160 for the appropriate time period (except for those hospitals that qualify under subsection (4)(B), whose payments will be based on the percent of cost in paragraph (4)(A)1., 2., or 3. for—

1. Services prior to January 5, 1994, the lower of eighty percent (80%) of the outpatient share of the costs from subsection (4)(D), or eighty percent (80%) of the outpatient charges from paragraph (4)(C)1.;

2. Services after January 4, 1994 and prior to April 1, 1998, the lower of ninety percent (90%) of the outpatient share of the cost from subsection (4)(D), or ninety percent (90%) of the outpatient charge from paragraph (4)(C)1.;

3. Services after March 31, 1998, included in cost reports ending prior to January 1, 1999, the lower of one hundred percent (100%) of the outpatient share of the cost from subsection (4)(D), or one hundred percent (100%) of the outpatient charge from paragraph (4)(C)1.; and

4. PBRHC and PBFQHC shall be reimbursed one hundred percent (100%) of its share of the cost in paragraph (4)(E)2.

(B) A facility that meets the Medicare criteria of nominal charge provider for the fiscal period shall have its net cost reimbursement based on its cost in paragraph (4)(A)1., 2., or 3.

(C) The Medicaid charges used to determine the cost, and the payments used to determine the settlement will be—

1. For outpatient services the charges and payments extracted from the Medicaid outpatient claims history for reimbursable services paid on a percentage basis under 13 CSR 70-15.160.

2. For PBRHC and PBFQHC the charges and payments will be for services billed under 13 CSR 70-94.020.] as follows:

[(D)](A) The [Medicaid] hospital's **Medicaid** outpatient[, cost will be determined by multiplying the overall outpatient cost-to-charge ratio, determined in accordance with paragraph [(4)](D)1.] (3)(A)1. of this rule, by the Medicaid charges from [paragraph (4)(C)1.] subsection (1)(B) of this rule. To this product will be added the Medicaid outpatient share of ] **Direct Graduate Medical Education (GME) to arrive at the total outpatient Medicaid cost.** The GME will be determined [using the methodology on worksheet E-3 part IV from the Medicare/Medicaid cost report (HCFA 2552-92) by substituting Medicaid data in place of Medicare data.] during the Medicaid cost report audit. The Medicaid payments from subsection (1)(B) will be subtracted from the total outpatient Medicaid cost to determine the final overpayment or underpayment.

1. The overall outpatient cost-to-charge ratio will be determined by multiplying the [reported total] outpatient charges for each ancillary cost center, excluding **Provider Based Rural Health Clinic (PBRHC) or Provider Based Federally Qualified Health Centers (PBFQHC)**, on [the supplemental] worksheet C **part I** column [10]7 [(HCFA 2552-83) or substitute schedule] by the appropriate cost-to-charge ratio from worksheet C [(HCFA 2552-92)] **part I** column [7]9 [part I of the fiscal intermediary's audited Medicare/Medicaid cost report] to determine the outpatient cost for each cost center [reimbursed on a percentage of charge basis by Medicaid under 13 CSR 70-15.160]. Total the outpatient costs from each cost center and total the outpatient charges from each cost center. Divide the total outpatient costs by the total outpatient charges to arrive at the overall outpatient cost-to-charge ratio.

[(E) The Medicaid outpatient final settlement for cost reports ending prior to January 1, 1999, unless the hospital closed or had a change in ownership or merger prior to July 1, 2002, will determine either an overpayment or an underpayment for the hospital's outpatient services.

1. The outpatient Medicaid cost determined in subsection (4)(D) is multiplied by the percent of cost allowed in paragraph (4)(A)1., 2., or 3., to determine the reimbursable cost for outpatient services. (If a cost report covers both periods the outpatient Medicaid charges will be split to determine the reimbursable cost for each time period.) From this cost subtract the outpatient payments made on a percentage of charge basis under 13 CSR 70-15.010 for the time period. (Medicaid payments include the actual payment by Medicaid, third party payments, coinsurance and deductibles.) The difference is either an overpayment (negative amount) due from provider or underpayment (positive amount) due to provider;

2. Closed facilities. Hospitals which closed after January 1, 1999 but before July 1, 2002 will have final settlements for cost reports ending during this time period calculated in accordance with 13 CSR 70-15.040(4)(E)1.;

3. New hospitals which do not have a fourth, fifth, and sixth prior year cost report necessary for establishment of a prospective rate will have final settlement calculated for their initial three (3) cost report periods;

4. Hospitals who qualify as nominal charge providers in accordance with 42 CFR 413.13(f) will have final settlements calculated for all cost report periods; and

5. Hospitals which had a change in ownership or merged with another hospital between January 1, 1997 and June 30, 2002 will have a final settlement calculated in accordance with this regulation for the first three (3) cost

report periods after the change in ownership or merger after which it will be reimbursed under the prospective outpatient hospital reimbursement methodology unless it elects to be reimbursed under the prospective payment methodology starting July 1, 2002.

(F) The Medicaid PBRHC or PBFQHC final settlement will determine either an overpayment or an underpayment for the hospital's PBRHC or PBFQHC services. For PBRHC or PBFQHC services multiply the PBRHC or PBFQHC Medicaid charges from paragraph (4)(C)2., by the cost center's cost-to-charge ratio to determine PBRHC or PBFQHC cost. From this cost, the PBRHC or PBFQHC payments associated with charges from paragraph (4)(C)2., are subtracted. The difference is either an overpayment (negative amount) due from provider or an underpayment (positive amount) due to provider.

(5) Reopened cost reports received after the division has completed a final settlement will be calculated in the same manner as the original settlement. The division will not reopen any cost report when the amended NPR is received more than five (5) years after the hospital's fiscal year end unless the reopening is due to the provider submitting false or fraudulent information to its cost report. If the amended cost report changes the previous settlement by less than one hundred dollars (\$100) the cost report will not be reopened. If the prior settlement(s) resulted in an overpayment on the inpatient side, then an underpayment, up to the amount of the net inpatient recoupment, may be made.]

(4) Under no circumstances will the division accept amended cost reports for final settlement determination or adjustment after the date of the division's notification of the final settlement amount.

**AUTHORITY:** sections [208.152,] 208.153, 208.201, and 660.017, RSMo [2000] 2016, and sections 208.152 and 208.471, RSMo Supp. [2001] 2021. Original rule filed June 2, 1994, effective Dec. 30, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 22, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing will be scheduled.

### Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 100—Missouri Rx Plan

#### PROPOSED AMENDMENT

**13 CSR 70-100.010 Missouri Rx Plan Benefits and Limitations.** The Department of Social Services is removing sections (3)–(8), (10), (12), (13), and (15), amending the purpose and sections (2), (4), and (5), and renumbering as necessary.

**PURPOSE:** The purpose of this amendment is to update the rule to reflect the current program processes.

**PURPOSE:** This rule establishes the benefits and limitations for administering the Missouri Rx Plan[,] and Missouri's State Pharmacy Assistance Program[, to provide prescription drug assistance to Missourian's sixty-five (65) years of age and older or disabled and receiving Social Security benefits in need of coordinating benefits with Medicare's Prescription Drug (Part D) Program].

#### (2) Definitions.

[(A) Applicant—A person who applies to participate in the Missouri Rx Plan, either personally or through an authorized representative.

(B) Application—The form completed and submitted to the Missouri Rx Plan by an applicant which is used to determine the applicant's eligibility to participate in the Missouri Rx Plan.

(C) Authorized Representative—If an applicant is incapable of submitting an application on his or her own behalf, the Missouri Rx Plan shall accept one (1) of the following persons designated by the applicant:

1. A close relative by blood or marriage, such as a parent, spouse, son, daughter, brother, or sister;

2. A representative payee designated by the Social Security Administration; or

3. A representative of a public/private social service agency, which the applicant is a client, who has been designated by the agency to so act.

(D) Household Income—The combined gross income of all the related or non-related members of a household.

(E) Liquid Assets—Assets that can be converted to cash in a short time with little or no loss in value, including such assets as checking and savings accounts, certificates of deposit, stocks, bonds, savings bonds, mutual funds, Individual Retirement Account or similar investment, cash, and value of real estate other than the primary residence.

(F) Member—A person who meets the eligibility requirements of the Missouri Rx Plan and has been enrolled in the Missouri Rx Plan.]

(A) Dual eligible—An individual who is eligible for both Medicare and Medicaid.

[(G)](B) Missouri Rx Plan—The state pharmacy assistance program administered by the Department of Social Services, MO HealthNet Division.

[(H)](C) Out-of-pocket costs—[Means t]The [deductible and] co-pays required for prescription drug. The Missouri Rx Plan does not pay for the Medicare Part D monthly premium.

[(I)](3) Eligibility. To qualify for the Missouri Rx Plan the individual must be—

(A) A U.S. citizen or a lawfully admitted alien;

(B) A Missouri resident, a person who has, or intends to have, a fixed place of residence in Missouri, with the present intent of maintaining a permanent home in Missouri for the indefinite future; and

(C) Sixty-five (65) years of age or older; or

(D) Be an individual between the ages of nineteen (19) and sixty-four (64) who is disabled and receiving a Social Security Benefit; and

(E) Enrolled in a Medicare Part D prescription drug plan; and

(F) Is not a member of a retirement plan that is receiving a benefit under the Medicare Prescription Drug, Improvement and Modernization Act of 2003, P.L. 108-173; and

(G) Has an annual household income not to exceed one

hundred eighty-five percent (185%) of the federal poverty level (FPL), subject to appropriations. The Federal Poverty Level is published annually. The revised income eligibility standard will be used to determine eligibility for the month following the month in which the standard is issued; and

(H) An individual who is an inmate of a public institution is not eligible for Missouri Rx Plan.

(4) *Application process.* The application for the Missouri Rx Plan must be made in writing on the prescribed form. The request for assistance can be made by the applicant, guardian, or other individual acting for the applicant with the applicant's knowledge and consent. The application filing date is the date the application is received by the MO HealthNet Division. The MO HealthNet will consider an application without regard to race, color, age, sex, disability, religion, national origin, or political belief as per Title VI of the Civil Rights Act of 1964. The application shall require the applicant to attest to the following information:

- (A) Date of birth;
- (B) Social Security number;
- (C) Medicare claim number;
- (D) Self-certification of Missouri residency;
- (E) Mailing address;
- (F) Contact information;
- (G) Self-certification of household income;
- (H) Self-certification of liquid assets;
- (I) Certification and attestation statement;
- (J) Signature of applicant or authorized representative;
- (K) Name of Medicare Part D Prescription Drug Plan; and
- (L) Additional information as may be necessary to comply with state or federal law.

(5) The applicant shall submit the following documentation with the application:

- (A) Copy of Medicare Health Insurance Card; and
- (B) Copy of Social Security Card.

(6) The MO HealthNet Division shall have the right to a review and audit of information on the application form, with a reasonable prior notice to the applicant, if selected for review.

(A) The Missouri Rx Plan may require documentation to verify Missouri residency. Documentation of Missouri residency may include one (1) of the following:

- 1. Valid driver's license;
- 2. Valid Missouri state identification card;
- 3. Voter registration card; or
- 4. Utility bill with address.

(B) The Missouri Rx Plan may require documentation to verify income. Documentation of income may include one (1) of the following:

- 1. Social Security benefits—as paid after deduction of Medicare premium;
- 2. Pension—as paid;
- 3. Veterans Administration Pension—as paid;
- 4. U.S. Railroad Retirement Benefits—as paid;
- 5. Wages—net amount after deductions for taxes and Federal Insurance Contributions Act (FICA);
- 6. Interest/Dividends—gross amount;
- 7. Capital Gains—gross amount from capital gains on stocks, mutual funds, and bonds;
- 8. Credit Life or Credit Disability Insurance Payments—as paid;
- 9. Alimony—as paid;
- 10. Rental income from an entire dwelling—gross rent paid minus standard deduction of twenty percent (20%) for expenses;

11. Roomer/Boarder Income—gross room/board paid minus standard deduction of ten percent (10%) for expenses;

12. Self Employment—countable income as reported to Internal Revenue Service (IRS);

13. Unemployment Compensation—as paid; or

14. Additional information, as may be necessary to verify income.

(7) Program eligibility will be denied or terminated if the applicant refuses to cooperate with the request for verification information. If all verification information requested is not received by the due date, an eligibility determination cannot be made. This will result in denial of the application. Verification that is provided or received may reveal a new eligibility issue not previously realized that requires additional verification. If the additional verification requested is not received by the due date given, the application will be denied or the individual terminated from the Missouri Rx Plan.

(8) The applicant shall assist the Missouri Rx Plan in securing corroboration of the applicant's information on the application form and required documentation when necessary. Program eligibility will be denied or terminated if the applicant refuses to cooperate with the request.]

[(9)](3) Individuals who are enrolled in Medicare and [Medicaid] MO HealthNet (dual eligibles) are deemed to have enrolled in the Missouri Rx Plan.

[(10) Effective Date of Coverage. Coverage begins on the date the applicant is determined eligible for the Missouri Rx Plan. There is no retroactive coverage. Eligible individuals will receive an identification card from the Missouri Rx Plan.]

[(11)](4) Benefit Limits.

(A) The Missouri Rx Plan shall pay fifty percent (50%) of the member's out-of-pocket costs for prescription drugs covered by the Medicare Prescription Drug Program and by the members Medicare Part D Plan formulary.

(B) Members with a MO HealthNet spenddown requirement must meet the spenddown at least once during the calendar year for the Missouri Rx Plan to pay fifty percent (50%) of the member's out-of-pocket costs.

[(B)](C) The Missouri Rx Plan shall have the authority to change the benefit limits at any time to achieve program cost control.

[(12) Member's Responsibilities.

(A) The member shall notify the Missouri Rx Plan within ten (10) days of any change in circumstances when the member no longer meets the eligibility requirements set forth in sections 208.780 to 208.798, RSMo and regulations.

(B) The authorized representative or other responsible person shall notify the Missouri Rx Plan of the death of a member within sixty (60) days of the member's death.

(13) *Annual review.* Missouri Rx Plan members do not need to reapply every year. Once a member is enrolled, the member does not need to reapply. Missouri Rx Plan members receive a notice to update their information from the Missouri Rx Plan. Failure to return the requested information will result in termination of eligibility. A redetermination is completed when all eligibility factors are examined and a decision regarding continued eligibility is reached.]

[(14)](5) Termination from the Program.

(A) A member shall be terminated from the Missouri Rx Plan if he or she no longer meets the MO HealthNet or Medicare eligibility requirements [under sections 208.780 to 208.798, RSMo

or this regulation].

[(15) Confidentiality. The Missouri Rx Plan will provide safeguards that restrict the use or disclosure of information about applicants and members to purposes directly connected with the administration of the Missouri Rx Plan. Purposes directly related to administration of the Missouri Rx Plan include establishing eligibility, providing services for members, auditing the Missouri Rx Plan, and conducting or assisting an investigation, prosecution, or civil or criminal proceeding related to the administration of the program.]

**AUTHORITY:** sections 208.201, [208.780 to 208.798] 208.782, 208.786, and 660.017, RSMo [Supp. 2014] 2016. Original rule filed Aug. 15, 2014, effective Feb. 28, 2015. Amended: Filed Sept. 22, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 1—Controlled Substances**

**PROPOSED AMENDMENT**

**19 CSR 30-1.002 Schedules of Controlled Substances.** The department is amending section (1).

**PURPOSE:** This amendment updates the Schedules of Controlled Substances to be consistent with 21 CFR Part 1308.

(1) Schedules of Controlled Substances.

(A) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Drug Enforcement Administration (DEA) Controlled Substances Code Number set forth opposite it.

1. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- |  |      |
|--|------|
| A. Acetyl-alpha-methylfentanyl<br>(N-(1-(1-methyl-2-phenethyl)-<br>4-piperidinyl)-N-phenylacetamide)   | 9815 |
| B. Acetylmethadol  | 9601 |
| C. Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-<br>N-phenylacetamide)   | 9821 |
| D. N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide,<br>its isomers, esters, ethers, salts, and salts of isomers,<br>esters, and ethers (Other names: acryl fentanyl,<br>acryloylfentanyl) | 9811 |

- |   |      |
|---|------|
| E. AH-7921(3,4-dichloro-N-[(1-dimethylamino)<br>cyclohexylmethyl] benzamide)  | 9551 |
| F. Allylprodine   | 9602 |
| G. Alphacetylmethadol (except levoalphacetylmethadol<br>also known as levo-alpha-acetylmethadol levorhodyl<br>acetate or LAAM)  | 9603 |
| H. Alphameprodine   | 9604 |
| I. Alphamethadol  | 9605 |
| J. Alpha-methylfentanyl (N-1-(alphamethyl-beta-<br>phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-<br>phenylethyl)-4 ((N-propanilido) piperidine)                       | 9814 |
| K. Alpha-methylthiofentanyl<br>(N-(1-methyl-2-(2-thienyl)<br>ethyl-4-piperidinyl)-N-<br>phenylpropanamide)  | 9832 |
| L. Benzethidine   | 9606 |
| M. Betacetylmethadol  | 9607 |
| N. Beta-hydroxyfentanyl<br>(N-(1-(2-hydroxy-2-<br>phenethyl)-4-piperidinyl)-<br>N-phenylpropanamide)  | 9830 |
| O. Beta-hydroxy-3-<br>methylfentanyl (other name:<br>N-(1-(2-hydroxy-2-phenethyl)-<br>3-methyl-4-piperidinyl)-N-<br>phenylpropanamide)  | 9831 |
| P. N-[1-[2-hydroxy-2-(thiophen-<br>2-yl) ethyl]piperidin-4-yl]-<br>N-phenylpropionamide<br>(Other names:<br>beta-hydroxythiofentanyl)   | 9836 |
| Q. Betameprodine  | 9608 |
| R. Betamethadol   | 9609 |
| S. <b>beta-Methyl fentanyl</b><br>(N-phenyl-N-(1-(2-phenylpropyl)piperidin<br>-4-yl) propionamide<br>(Other name:<br><b>β-methyl fentanyl</b> )                                   | 9856 |
| T. <b>beta'-Phenyl fentanyl</b><br>(N-(1-phenethylpiperidin<br>-4-yl)-N,3-diphenylpropanamide<br>(Other names: <b>β'-phenyl fentanyl</b> ;<br><b>3-phenylpropanoyl fentanyl</b> ) | 9842 |
| /S./U. Betaprodine  | 9611 |
| /T./V. Clonitazene  | 9612 |
| W. Crotonyl fentanyl ((E)-N-(1-<br>phenethylpiperidin-4-yl)-N-<br>phenylbut-2-enamide)  | 9844 |
| X. N-(1-phenethylpiperidin-4-yl)-N-<br>Phenylcyclopentanecarboxamide (Other<br>name: cyclopentyl fentanyl)  | 9847 |
| /U./Y. Cyclopropyl fentanyl<br>(N-(1-phenethylpiperidin-4-yl)<br>-N-phenylcyclopropanecar-<br>boxamide)   | 9845 |
| /V./Z. Dextromoramide   | 9613 |
| /W./AA. Diampromide   | 9615 |
| /X./BB. Diethylthiambutene  | 9616 |
| /Y./CC. Difenoxyin  | 9168 |
| /Z./DD. Dimenoxadol   | 9617 |
| /AA./EE. Dimepheptanol  | 9618 |
| /BB./FF. Dimethylthiambutene  | 9619 |
| /CC./GG. Dioxaphetyl butyrate   | 9621 |
| /DD./HH. Dipipanone   | 9622 |
| /EE./II. Ethylmethylthiambutene   | 9623 |
| /FF./JJ. Etonitazene  | 9624 |
| /GG./KK. Etoperidine  | 9625 |

<b>LL. Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate)</b>	<b>9851</b>	<b>LLL. ortho-Methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl) acetamide (Other name: 2-methyl acetylfentanyl)</b>	<b>9848</b>
<i>[HH./MM. N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: 4-fluoroisobutyryl fentanyl, para-fluoroisobutyryl fentanyl)</i>	9824	<b>MMM. ortho-Methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl) acetamide (Other name: 2-methyl methoxyacetyl fentanyl)</b>	<b>9820</b>
<b>NN. 2'-Fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl) piperidin-4-yl)-N-(2-fluorophenyl) propionamide (Other names: 2'-fluoro 2-fluorofentanyl)</b>	<b>9855</b>	<b>NNN. N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (Other name: para-chloroisobutyryl fentanyl)</b>	<b>9826</b>
<i>[II./OO. N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (Other names: furanyl fentanyl)</i>	9834	<i>[AAA./OOO. para-Fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)</i>	9823
<i>[JJ./PP. Furethidine]</i>	9626	<i>[BBB./PPP. Para-fluorofentanyl(N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl) propanamide)</i>	9812
<i>[KK./QQ. Hydroxypethidine]</i>	9627	<b>QQQ. para-Fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)</b>	<b>9854</b>
<b>RR. N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (Other name: isobutyryl fentanyl)</b>	<b>9827</b>	<b>RRR. para-Methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl) butyramide)</b>	<b>9837</b>
<i>[LL./SS. Ketobemidone]</i>	9628	<b>SSS. para-Methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl) propionamide (Other Name: 4-methylfentanyl)</b>	<b>9817</b>
<i>[MM./TT. Levomoramide]</i>	9629	<i>[CCC./TTT. PEPAP (1-(2-phenethyl)- 4-phenyl-4-acetoxypiperidine)</i>	9663
<i>[NN./UU. Levophenacymorphan]</i>	9631	<i>[DDD./UUU. Phenadoxone]</i>	9637
<i>[OO./VV. Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide]</i>	9825	<i>[EEE./VVV. Phenampromide]</i>	9638
<b>WW. 4'-Methyl acetyl fentanyl (N-(1-(4-methylphenethyl) piperidin-4-yl)-N-phenylacetamide)</b>	<b>9819</b>	<i>[FFF./WWW. Phenomorphan]</i>	9647
<i>[PP./XX. 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers]</i>	9813	<i>[GGG./XXX. Phenoperidine]</i>	9641
<i>[QQ./YY. 3-Methylthiofentanyl (N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide)</i>	9833	<b>YYY. Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide (Other name: benzoyl fentanyl)</b>	<b>9841</b>
<i>[RR./ZZ. Morpheridine]</i>	9632	<i>[HHH./ZZZ. Piritramide]</i>	9642
<i>[SS./AAA. MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)</i>	9661	<i>[III./AAAA. Proheptazine]</i>	9643
<i>[TT./BBB. MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl) piperazine)</i>	(9560)	<i>[JJJ./BBBB. Properidine]</i>	9644
<i>[UU./CCC. Noracymethadol]</i>	9633	<i>[KKK./CCCC. Propiram]</i>	9649
<i>[VV./DDD. Norlevorphanol]</i>	9634	<i>[LLL./DDDD. Racemoramide]</i>	9645
<i>[WW./EEE. Normethadone]</i>	9635	<i>[MMM./EEEE. N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: tetrahydrofuranyl fentanyl)</i>	9843
<i>[XX./FFF. Norpipanone]</i>	9636	<i>[NNN./FFFF. Thiofentany (N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide)</i>	9835
<i>[YY./GGG. N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: ocfentanil)</i>	9838	<b>GGGG. Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl)</b>	<b>9839</b>
<b>HHH. ortho-Fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) acrylamide)</b>	<b>9852</b>	<i>[OOO./HHHH. Tilidine]</i>	9750
<b>III. ortho-Fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) butyramide (Other Name: 2-fluorobutyryl fentanyl)</b>	<b>9846</b>	<i>[PPP./III. Trimeperidine]</i>	9646
<i>[ZZ./JJJ. ortho-Fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) propionamide); other name: 2-fluorofentanyl]</i>	9816	2. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:	
<b>KKK. ortho-Fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)</b>	<b>9853</b>	A. Acetorphine	9319
		B. Acetyldihydrocodeine	9051
		C. Benzylmorphine	9052
		D. Codeine methylbromide	9070
		E. Codeine-N-Oxide	9053
		F. Cyprenorphine	9054



G. Desomorphine	9055	K. 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)	7517
H. Dihydromorphine	9145	L. 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)	7519
I. Drotebanol	9335	M. 2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine (2C-T-2)	7385
J. Etorphine (except hydrochloride salt)	9056	N. 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)	7518
K. Heroin	9200	O. 2-(4-Isopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-4)	7532
L. Hydromorphanol	9301	P. 4-methoxyamphetamine	7411
M. Methyldesorphine	9302	Some trade or other names: 4-methoxy-amethylphenethylamine; paramethoxyamphetamine; PMA;	
N. Methyl dihydromorphine	9304	Q. 5-methoxy-3,4-methylenedioxyamphetamine	7401
O. Morphine methylbromide	9305	R. 4-methyl-2,5-dimethoxyamphetamine	7395
P. Morphine methylsulfonate	9306	Some trade and other names: 4-methyl-2, 5- dimethoxy-a-methylphenethylamine; DOM; and STP;	
Q. Morphine-N-Oxide	9307	S. 3,4-methylenedioxyamphetamine	7400
R. Myrophine	9308	T. 3,4-methylenedioxymethamphetamine(MDMA)	7405
S. Nicocodeine	9309	U. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethylalpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA)	7404
T. Nicomorphine	9312	V. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine and N-hydroxy MDA)	7402
U. Normorphine	9313	W. 3,4,5-trimethoxyamphetamine	7390
V. Pholcodine	9314	X. 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine	7431
W. Thebacon	9315	Y. Alpha-methyltryptamine	7432
3. Opiate Similar Synthetic Substances. Substances scheduled by the United States Drug Enforcement Administration as substances that share a pharmacological profile similar to fentanyl, morphine, and other synthetic opioids, unless specifically excepted or unless listed in another schedule. These substances are—		Z. Bufotenine	7433
A. Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide)	9822	Some trade and other names: 3-(b-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine;	
B. U-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	AA. Diethyltryptamine	7434
C. N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (Other name: valeryl fentanyl)	9840	Some trade and other names: N, N-Diethyltryptamine; DET;	
4. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances or which contains any of its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (For purposes of paragraph (1)(A)4. of this rule only, the term isomer includes the optical, position, and geometric isomers.):		BB. Dimethyltryptamine	7435
A. Alpha-ethyltryptamine	7249	Some trade or other names: DMT;	
Some trade or other names: etryptamine; Monase; alpha-ethyl-1 <i>H</i> -indole-3-ethenamine; 3-(2-aminobutyl)indole; alpha-ET; and AET;		CC. 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeODIPT)	7439
B. 4-bromo-2,5-dimethoxyamphetamine	7391	DD. Ibogaine	7260
Some trade or other names: 4-bromo-2, 5- dimethoxy-a-methylphenethylamine; 4-bromo- 2, 5-DMA;		Some trade and other names: 7-Ethyl- 6,6ß,7,8,9,10,12,13-octahydro-2-methoxy-6, 9-methano-5 <i>H</i> -pyrido [1',2':1,2] azepino[5,4-b] indole; Tabernanthe iboga;	
C. 4-bromo-2,5-dimethoxyphenethylamine	7392	EE. Lysergic acid diethylamide	7315
D. 2,5-dimethoxyamphetamine	7396	FF. Marihuana	7360
Some trade or other names: 2,5-dimethoxy-amethylphenethylamine; 2,5-DMA;		Some trade or other names: marijuana;	
E. 2,5-dimethoxy-4-ethylamphetamine	7399	GG. Mescaline	7381
Some trade or other names: DOET;		HH. Parahexyl	7374
F. 2,5-dimethoxy-4-(n-propylthiophenethylamine (other name: 2C-T-7)	7348	Some trade or other names: 3-Hexyl-1- hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl- 6 <i>H</i> -dibenzo[b,d]pyran; Synhexyl;	
G. 2-(2,5-Dimethoxy-4-(n-propylphenyl) ethanamine (2C-P)	7524	II. Peyote	7415
H. 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C-E )	7509	Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not; the seeds	
I. 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D)	7508		
J. 2-(2,5-Dimethoxy-4-nitrophenyl) ethanamine (2C-N)	7521		



thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or extracts;

JJ. N-ethyl-3-piperidyl  
benzilate 7482

KK. N-methyl-3-piperidyl  
benzilate 7484

LL. Psilocybin 7437

MM. Psilocyn 7438

NN. Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis 7370 plant), as well as synthetic equivalents of the substances contained in the cannabis plant or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers, or both, with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

(I) 1 cis or trans tetrahydrocannabinol and their optical isomers;

(II) 6 cis or trans tetrahydrocannabinol and their optical isomers;

(III) 3,4 cis or trans tetrahydrocannabinol and its optical isomers; and

(IV) Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered;

OO. Ethylamine analog of  
phencyclidine 7455

Some trade or other names: N-ethyl-1- phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)-ethylamine, cyclohexamine, PCE;

PP. Pyrrolidine analog of  
phencyclidine 7458

Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine PCPy, PHP;

QQ. Thiophene analog of  
phencyclidine 7470

Some trade or other names: 1-(1-(2-thienyl)- cyclohexyl)-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP;

RR. 1-(1-(2-thienyl)cyclohexyl)  
pyrrolidine 7473

Some other names: TCPy;

SS. Salvia divinorum

TT. Salvinorin A

UU. 3-Fluoromethcathinone 1233

VV. 4-Fluoromethcathinone 1238

WW. Mephedrone, or 4-  
methylmethcathinone 1248

XX. Methylenedioxy-  
pyrovalerone, MDPV, or  
(1-(1,3-Benzodioxol-5-yl)-  
2-(1-pyrrolidinyl)-1-  
pentanone 7535

YY. Methylone, or 3,4-  
Methylenedioxy-  
methcathinone 7540

ZZ. Quinolin-8-yl 1-pentyl-  
1Hindole-3-carboxylate  
(PB-22; QUPIC) 7222

AAA. Quinolin-8-yl 1-(5-  
fluoropentyl)-1H-indole-  
3-carboxylate (5-fluoro-  
PB-22; 5F-PB-22) 7225

BBB. N-(1-amino-3-methyl-1-  
oxobutan-2-yl)-1-  
(4-fluorobenzyl)-1Hindazole-  
3-carboxamide (AB-  
FUBINACA) 7012

CCC. N-(1-amino-3, 3-dimethyl-1-  
oxobutan-2-yl)-1-pentyl-  
1H-indazole-3-carboxamide  
(ADB-PINACA) 7035

DDD. (1-pentyl-1H-indol-3-yl)  
(2,2,3,3-tetramethylcyclopropyl)  
methanone (Other names: UR-  
144, 1-pentyl-3-(2,2,3,3-  
tetramethylcyclopro-  
poyl)indole) 7144

EEE. [1-(5-fluoro-pentyl)-  
1Hindol-3-yl](2,2,3,3-  
tetramethylcyclopropyl)  
methanone (Other names:  
5-fluoro-UR-144, 5-F-UR-  
144, XLR11, 1-(5-fluo-  
ropentyl)-3-(2,2,3,3-  
tetramethylcyclopro-  
poyl)indole) 7011

FFF. N-(1-adamantyl)-1-pentyl-  
1Hindazole-3-carboxamide  
(Other names: APINACA,  
AKB48) 7048

GGG. 2-(4-iodo-2,5-  
dimethoxyphenyl)-N-(2-  
methoxybenzyl)ethanamine  
(Other names: 25I-  
NBOMe; 2C-I-NBOMe;  
25I; Cimi-5) 7538

HHH. 2-(4-chloro-2,5-  
dimethoxyphenyl)-N-(2-  
methoxybenzyl)ethanamine  
(Other names: 25C-  
NBOMe; 2C-C-NBOMe;  
25C; Cimi-82) 7537

III. 2-(4-bromo-2,5-  
dimethoxyphenyl)-N-(2-  
methoxybenzyl)ethanamine  
(Other names: 25B-  
NBOMe; 2C-B-NBOMe;  
25B; Cimi-36) 7536

JJJ. 4-methyl-N-ethylcathinone  
(Other names: 4-MEC; 2-  
(ethylamino)-1-(4-  
methylphenyl)propan-  
1-one) 1249

KKK. 4-methyl-*alph*pyrrolid-  
inopropiophenone,  
(Other names: 4-MePPP;  
MePPP; 4-methyl-  
 $\alpha$ -pyrrolidinopropiophenone;  
1-(4-methylphenyl)-2-  
(pyrrolidin-1-yl)-propan-  
1-one) 7498

LLL. *alph*pyrrolidinopentio-  
phenone  
(Other names:  $\alpha$ -PVP;  $\alpha$ -  
pyrrolidinovaleophenone;  
1-phenyl-2-(pyrrolidin-1-  
yl)pentan-1-one) 7545

MMM. Butylone  
(Other names: bk-  
MBDB; 1-(1,3-  
benzodioxol-5-  
yl)-2-(methylamino)butan-1-one) 7541

NNN. Pentadron  
(Other names:  $\alpha$ -  
methylaminovaleophenone;  
2-(methylamino)-1-  
phenylpentan-1-one) 1246

OOO. Pentylone (Other names: bk-MBDP; 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one)	7542	AAAA. methyl 2-(1-(4-fluorobenzyl)-1 <i>H</i> -indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-FUBINACA)	7020	
PPP. Naphyrone (Other names: naphthylpyrovalerone; 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one)	1258	BBBB. methyl 2-(1-(4-fluorobenzyl)-1 <i>H</i> -indazole-3-carboxamido)-3-methylbutanoate (Other names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA)	(7021)	
QQQ. <i>alpha</i> -pyrrolidinobutio-phenone (Other names: <i>α</i> -PBP; 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one)	7546	CCCC. 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)propan-1-one (ethylone)	7547	
RRR. <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1 <i>H</i> -indazole-3-carboxamide (Other names: AB-CHMINACA)	7031	DDDD. Naphthalen-1-yl 1-(5-fluoropentyl)-1 <i>H</i> -indole-3-carboxylate (Other names: NM2201; CBL2201)	7221	
SSS. <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1 <i>H</i> indazole-3-carboxamide (Other names: AB-PINACA)	7023	EEEE. <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamide (Other name: 5F-AB-PINACA)	7025	
TTT. [1-(5-fluoropentyl)-1 <i>H</i> -indazol-3-yl](naphthalen-1-yl)methanone (Other names: THJ-2201)	7024	FFFF. 1-(4-cyanobutyl)- <i>N</i> -(2-phenylpropan-2-yl)-1 <i>H</i> -indazole-3-carboxamide (Other names: 4-CN-CUMYLBUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CNBINACA; SGT-78)	7089	
UUU. <i>N</i> -(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1 <i>H</i> -indazole-3-carboxamide (Other names: MAB-CHMINACA; ADB-CHMINACA)	7032	GGGG. methyl 2-(1-(cyclohexylmethyl)-1 <i>H</i> -indole-3-carboxamido)-3-methylbutanoate (Other names: MMB-CHMICA; AMB-CHMICA)	7044	
VVV. methyl 2-(1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB; 5F-MDMB-PINACA)	7034	HHHH. 1-(5-fluoropentyl)- <i>N</i> -(2-phenylpropan-2-yl)-1 <i>H</i> -pyrrolo[2,3- <i>b</i> ] pyridine-3-carboxamide (Other name: 5F-CUMYL-P7AICA)	7085	
WWW. methyl 2-(1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamido)-3-methylbutanoate (Other names: 5F-AMB)	7033	IIII. <i>N</i> -ethylpentylone (Other names: ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)	7543	
XXX. <i>N</i> -(adamantan-1-yl)-1-(5-fluoropentyl)-1 <i>H</i> -indazole-3-carboxamide (Other names: 5F-APINACA, 5F-AKB48)	7049	JJJJ. methyl 2-(1-(4-fluorobutyl)-1 <i>H</i> -indazole-3-carboxamido)-3,3-dimethylbutanoate (4F-MDMB-BINACA, 4F-MDMB-BUTINACA)	7043	
YYY. <i>N</i> -(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1 <i>H</i> -indazole-3-carboxamide (Other names: ADB-FUBINACA)	7010	KKKK. 1-(4-methoxyphenyl)- <i>N</i> -methylpropan-2-amine (Other names: <i>para</i> -methoxymethamphetamine, PMMA)	1245	
ZZZ. methyl 2-(1-(cyclohexylmethyl)-1 <i>H</i> -indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA, MMB-CHMINACA)	7042	/CCCC./LLLL. Synthetic cannabinoids: Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (I) Any compound structurally derived from 3-(1-naphthoyl)indole or 1 <i>H</i> indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-( <i>N</i> -methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited to: (a) AM2201, or 1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (b) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole		7201

- (c) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole
- (d) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole 7118
- (e) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole 7019
- (f) JWH-073, or 1-butyl-3-(1-naphthoyl)indole 7173
- (g) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole 7081
- (h) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole
- (i) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole 7122
- (j) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole
- (k) JWH-200, or 1-(2-(4-morpholinyl)ethyl)-3-(1-naphthoyl)indole 7200
- (l) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole
- (m) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole 7398
- (II) Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent;
- (III) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;
- (IV) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Including, but not limited to:
- (a) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole
- (b) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole 7203
- (c) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole 6250
- (d) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole
- (e) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole 7008
- (V) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic

ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but not limited to:

(a) CP 47,497 & homologues, or 2-[(1*R*,3*S*)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain *n*=5, and homologues where side chain *n*=4, 6, or 7 7297, 7298

(VI) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(*N*-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to:

(a) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole 7694

(b) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole (SR-19 and RCS-4) 7104

(VII) CP 50,556-1, or [(6*S*,6*aR*,9*R*,10*aR*)-9-hydroxy-6-methyl-3-[(2*R*)-5-phenylpentan-2-yl]oxy-5,6,6*a*,7,8,9,10,10*a*-octahydrophenanthridin-1-yl] acetate;

(VIII) HU-210, or (6*aR*,10*aR*)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6*a*,7,10,10*a*-tetrahydrobenzo[*c*]chromen-1-ol;

(IX) HU-211, or Dexanabinol, (6*aS*,10*aS*)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6*a*,7,10,10*a*-tetrahydrobenzo[*c*]chromen-1-ol;

(X) Dimethylheptylpyran, or DMHP.

5. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

A. Gamma-hydroxybutyric acid and other names GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutonic acid; sodium oxybate; sodium oxybutyrate 2010

B. Mecloqualone 2572

C. Methaqualone 2565

6. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

A. Aminorex 1585

Some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine;

B. *N*-benzylpiperazine (some other names: BZP, 1-benzylpiperazine) 7493

C. Cathinone (Some trade or other names: 2-amino-1-phenyl-1-propanone, alphaaminopropiophenone, 2-aminopropiophenone and norephedrone) 1235

D. 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine) 1595

/D./E. Fenethylamine 1503

/E./F. Methcathinone 1237

Some trade or other names: 2-(methylamino)- propiophenone; alpha-(methylamino) propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-*N*-methylaminopropiophenone; monomethylpropion; ephedrone; *N*-methylcathinone; methylcathinine; AL-464; AL-422; AL-463 and URI 432;

[F./G. 4-methoxymethcathinone

[G./H. cis-4-methylaminorex

(cis-4,5-dihydro-4-methyl-

5-phenyl-2-oxazolamine)

1590

[H./I. 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP

[I./J. *N*-ethylamphetamine

1475

[J./K. *N,N*-dimethylamphetamine

1480

(some other names: *N,N*-alpha-trimethylbenzeneethanamine; *N,N*-alpha-trimethylphenethylamine)

7. A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture, or preparation which contains any quantity of the following substances:

[A. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylacetamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: acetyl fentanyl)

9821

B. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers (Other name: valeryl fentanyl)

9840

C. *N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: para-methoxybutyryl fentanyl)

(9837)

D. *N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: para-chloroisobutyryl fentanyl)

(9826)

E. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: isobutyryl fentanyl)

(9827)

F. *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other name: cyclopentyl fentanyl)

(9847)]

[G./A. Fentanyl-related substances, their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers.

9850

(I) Fentanyl-related substance means any substance not otherwise listed under another Administration Controlled Substance Code Number, and for which no exemption or approval is in effect

under section 505 of the Federal Food, Drug, and Cosmetic Act 21 U.S.C. 355, that is structurally related to fentanyl by one (1) or more of the following modifications:

(a) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(b) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(c) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(d) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(e) Replacement of the *N*-propionyl group by another acyl group.

[H. *Naphthalen-1-yl 1*-(5-fluoropentyl)-1*H*-indole-3-carboxylate, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: NM2201; CBL2201)

(7221)

I. *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 5F-AB-PINACA)

(7025)

J. 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-CN-CUMYLBUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CNBINACA; SGT-78)

(7089)

K. methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: MMB-CHMICA, AMB-CHMICA)

(7044)

L. 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-*b*]pyridine-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 5F-CUMYL-P7AICA)

(7085)

M. *N*-Ethylpentylone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one)

(7543)]

[N.]B. ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-EDMB-PINACA)	7036	<i>alpha</i> -pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one	7446
[O.]C. methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-MDMB-PICA)	7041	[W.]K. <i>alpha</i> -Pyrrolidinoheptanophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one)	7548
[P.]D. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-FLUOROBENZYL))	7047	[X.]L. 4'-Chloro- <i>alpha</i> -pyrrolidinovalerophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-chloro- $\alpha$ -PVP; 4'-chloro- <i>alpha</i> -pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl) pentan-1-one)	7443
[Q.]E. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial names: 5F-CUMYL-PINACA; SGT-25)	7083	[Y.]M. N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: isotonitazene; N,N-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1H-benzimidazole-1-ethanamine)	9614
[R.]F. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: FUB-144)	7014	N. 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1, 3-dihydro-2H-benzo[d]imidazol-2-one, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers (Other names: brorphine; 1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihydro-2H-benzimidazol-2-one)	9098
[S.]G. N-Ethylhexedrone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other name: 2-(ethylamino)-1-phenylhexan-1-one)	7246	8. Khat, to include all parts of the plant presently classified botanically as <i>catha edulis</i> , whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or extracts.	7032
[T.]H. <i>alpha</i> -Pyrrolidinoheptanophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: $\alpha$ -PHP; <i>alpha</i> -pyrrolidinoheptiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one)	7544	(B) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.	
[U.]I. 4-Methyl- <i>alpha</i> -ethylaminopentiophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one)	7245	1. Substances, vegetable origin, or chemical synthesis. Unless specifically excepted or unless listed in another schedule, Schedule II shall include any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:	
[V.]J. 4'-Methyl- <i>alpha</i> -pyrrolidinoheptiophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: MPHP; 4'-methyl-		A. Opium and opiate; and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxegol, naloxone, and naltrexone and their respective salts, but including the following:	
		(I) Raw opium	9600
		(II) Opium extracts	9610
		(III) Opium fluid	9620
		(IV) Powdered opium	9639

(V) Granulated opium	9640
(VI) Tincture of opium	9630
(VII) Codeine	9050
(VIII) Dihydroetorphine	9334
(IX) Ethylmorphine	9190
(X) Etorphine hydrochloride	9059
(XI) Hydrocodone	9193
(XII) Hydromorphone	9150
(XIII) Metopon	9260
(XIV) Morphine	9300
(XV) Oripavine	9330
(XVI) Oxycodone	9143
(XVII) Oxymorphone	9652
(XVIII) Thebaine	9333

B. Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1)(B)1.A. of this rule shall be included in Schedule II, except that these substances shall not include the isoquinoline alkaloids of opium;

C. Opium poppy and poppy

straw 9650

D. Coca leaves (9040) and any salt, compound, derivative, or preparation of coca leaves (including cocaine (9041) and ecgonine (9180) and their salts, isomers, derivatives, and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include:

(I) Decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; or

(II) Ioflupane;

E. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy) 9670

2. Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan, and levo-propoxyphene excepted:

A. Alfentanil	9737
B. Alphaprodine	9010
C. Anileridine	9020
D. Bezitramide	9800
E. Bulk Dextropropoxyphene (Non-dosage Forms)	9273
F. Carfentanil	9743
G. Dihydrocodeine	9120
H. Diphenoxylate	9170
I. Fentanyl	9801
J. Isomethadone	9226
K. Levo-alphaacetylmethadol	

Some other names: levo-alphaacetylmethadol, levomethadyl acetate, LAAM 9648

L. Levomethorphan	9210
M. Levorphanol	9220
N. Metazocine	9240
O. Methadone	9250
P. Methadone-Intermediate, 4-cyano-2-dimethylamino- 4,4-diphenyl butane	9254
Q. Moramide-Intermediate, 2- methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid	9802
R. Oliceridine (N-[(3-methoxythiophen-2-yl) methyl] ({2-[(9R)-9-(pyridin-2-yl)-6-oxaspiro [4.5]decan-9-yl}ethyl})amine fumarate)	9245
/R./S. Pethidine (Meperidine)	9230

/S./T. Pethidine-Intermediate-A, 4- cyano-1-methyl-4- phenylpiperidine	9232
/T./U. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4- carboxylate	9233
/U./V. Pethidine-Intermediate-C, 1- methyl-4-phenylpiperidine- 4-carboxylic acid	9234
/V./W. Phenazocine	9715
/W./X. Piminodine	9730
/X./Y. Racemethorphan	9732
/Y./Z. Racemorphan	9733
/Z./AA. Remifentanil	9739
/AA./BB. Sufentanil	9740
/BB./CC. Tapentadol	9780
/CC./DD. Thiafentanil	9729

3. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

A. Amphetamine, its salts, optical isomers, and salts of its optical isomers	1100
B. Lisdexamfetamine, its salts, isomers, and salts of its isomers	1205
C. Methamphetamine, its salts, isomers, and salts of its isomers	1105
D. Phenmetrazine and its salts	1631
E. Methylphenidate	1724

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

A. Amobarbital	2125
B. Glutethimide	2550
C. Pentobarbital	2270
D. Phencyclidine	7471
E. Secobarbital	2315

5. Hallucinogenic substances:

A. Nabilone	7379
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Another name for nabilone: ( $\pm$ )trans-3-(1, 1-dimethylheptyl)-6, 6a,7,8,10,10a-hexahydro- 1-hydroxy-6, 6-dimethyl-9H-dibenzo(b,d)pyran-9-one.

B. Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States Food and Drug Administration. (7365)

6. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

A. Immediate precursor to amphetamine and methamphetamine:	
(I) Phenylacetone	8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;	
B. Immediate precursors to phencyclidine (PCP):	
(I) 1-phenylcyclohexylamine	7460
(II) 1-piperidinocyclohexanecarbonitrile (PCC)	8603
C. Immediate precursor to fentanyl:	
(I) 4-anilino-N-phenethyl-4-piperidine (ANPP)	8333

(II) <i>N</i> -phenyl- <i>N</i> -(piperidin-4-yl)propionamide (norfentanyl)	8366	N. Sulfonmethane	2610
7. Any material, compound, mixture, or preparation which contains any quantity of the following alkyl nitrites:		O. Tiletamine and zolazepam or any salt thereof	7295
A. Amyl nitrite;		Some trade or other names for a tiletaminezolazepam combination product: Telazol.	
B. Butyl nitrite.		Some trade or other names for tiletamine: 2- (ethylamino)-2-(2-thienyl)-cyclohexanone.	
(C) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.		Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6-8-dihydro-1,3,8- trimethylpyrazolo-(3,4-e) (1,4)-diazepin- 7(1H)-one, flupyrzapon.	
1. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:		3. Nalorphine	9400
A. Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under 21 CFR 308.32 and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances	1405	4. Narcotics drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:	
B. Benzphetamine	1228	A. Not more than one and eight tenths grams (1.8gm) of codeine per one hundred milliliters (100 mL) or not more than ninety milligrams (90 mg) per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium	9803
C. Chlorphentermine	1645	B. Not more than one and eight tenths grams (1.8gm) of codeine per one hundred milliliters (100 mL) or not more than ninety milligrams (90 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts	9804
D. Clortermine	1647	C. Not more than one and eight tenths grams (1.8gm) of dihydrocodeine per one hundred milliliters (100 mL) or not more than ninety milligrams (90 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts	9807
E. Phendimetrazine	1615	D. Not more than three hundred milligrams (300 mg) of ethylmorphine per one hundred milliliters (100 mL) or not more than fifteen milligrams (15 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts	9808
2. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:		E. Not more than five hundred milligrams (500 mg) of opium per one hundred milliliters (100 mL) or per one hundred grams (100 gm) or not more than twenty-five milligrams (25 mg) per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts	9809
A. Any compound, mixture, or preparation containing—		F. Not more than fifty milligrams (50 mg) of morphine per one hundred milliliters (100 mL) or per one hundred grams (100 gm), with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts	9810
(I) Amobarbital	2126	5. Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:	
(II) Secobarbital	2316	A. Buprenorphine	9064
(III) Pentobarbital	2271	6. Anabolic steroids. Unless specially excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation. DEA has assigned code 4000 for all anabolic steroids. Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters, and ethers:	
or any salt thereof and one (1) or more other active medicinal ingredients which are not listed in any schedule;		A. 3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androsterane	
B. Any suppository dosage form containing—		B. 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androsterane	
(I) Amobarbital	2126	C. 5 $\alpha$ -androstan-3,17-dione	
(II) Secobarbital	2316		
(III) Pentobarbital	2271		
or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;			
C. Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof	2100		
D. Chlorhexadol	2510		
E. Embutramide	2020		
F. Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomer, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act;	2012		
G. Ketamine, its salts, isomer, and salts of isomers (some other names for ketamine: (±)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone)	7285		
H. Lysergic acid	7300		
I. Lysergic acid amide	7310		
J. Methypylon	2575		
K. Perampanel, and its salts, isomers, and salts of isomers	2261		
L. Sulfondiethylmethane	2600		
M. Sulfonethylmethane	2605		

D. 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene)  
 E. 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene)  
 F. 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene)  
 G. 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene)  
 H. 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione)  
 I. 4-androstenedione (androst-4-en-3,17-dione)  
 J. 5-androstenedione (androst-5-en-3,17-dione)  
 K. Bolasterone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one)  
 L. Boldenone (17 $\beta$ -hydroxyandrost-1,4-diene-3-one)  
 M. Boldione (androstra-1,4-diene-3,17-dione)  
 N. Calusterone (7 $\beta$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one)  
 O. Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one)  
 P. Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-dien-3-one)  
 Q. Desoxymethyltestosterone (17 $\alpha$ -methyl-5 $\alpha$ -androst-2-en-17 $\beta$ -ol) (a.k.a. madol)  
 R.  $\Delta$ 1-dihydrotestosterone (a.k.a.'1-testosterone')(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one)  
 S. 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one)  
 T. Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one)  
 U. Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene)  
 V. Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one)  
 W. Formebolone (Formebolone) (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one)  
 X. Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostano[2,3-c]-furan)  
 Y. 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one  
 Z. 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one)  
 AA. 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one)  
 BB. Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androstan-3-one)  
 CC. Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one)  
 DD. Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one)  
 EE. Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene)  
 FF. Methasterone (2 $\alpha$ ,17 $\alpha$ -dimethyl-5 $\alpha$ -androstan-17 $\beta$ -ol-3-one)  
 GG. Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one)  
 HH. 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane  
 II. 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane  
 JJ. 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene  
 KK. 17 $\alpha$ -methyl-4-hydroxynandrolone(17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-one)  
 LL. Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one)  
 MM. Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9,11-trien-3-one)  
 NN. Methyltestosterone (17 $\alpha$ -methyl-17-hydroxyandrost-4-en-3-one)  
 OO. Mibolone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one)  
 PP. 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-one) (a.k.a. 17 $\alpha$ -methyl-1-testosterone)  
 QQ. Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one)  
 RR. 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene)  
 SS. 19-nor-4-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-4-ene)  
 TT. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione)  
 UU. 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene)

VV. 19-nor-5-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-5-ene)  
 WW. 19-nor-4-androstenedione (estr-4-en-3,17-dione)  
 XX. 19-nor-5-androstenedione (estr-5-en-3,17-dione)  
 YY. Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one)  
 ZZ. Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one)  
 AAA. Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one)  
 BBB. Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one)  
 CCC. Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androstan-3-one)  
 DDD. Oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one)  
 EEE. Oxymetholone (17 $\alpha$ -methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one)  
 FFF. Prostanazol (17 $\beta$ -hydroxy-5 $\alpha$ -androstano[3,2-c]pyrazole)  
 GGG. Stanolone ( $\Delta$ 1-dihydrotestosterone (a.k.a. 1-testosterone)(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one))  
 HHH. Stanozolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-2-eno[3,2-c]-pyrazole)  
 III. Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-androst-1-en-3-one)  
 JJJ. Testolactone(13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid lactone)  
 KKK. Testosterone(17 $\beta$ -hydroxyandrost-4-en-3-one);  
 LLL. Tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one)  
 MMM. Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one)  
 NNN. Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph, if that salt, ester, or isomer promotes muscle growth except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the /s/Secretary of Health and Human Services for that administration.  
 7. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product 7369  
 (Some other names for dronabinol: (6aRtrans)- 6a,7,8,10a-tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-) -delta-9-(trans)-tetrahydrocannabinol.)

(D) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

1. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:

A. Not more than one milligram (1 mg) of difenoxin (DEA Drug Code No. 9168) and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit 9167

B. Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionyloxybutane) 9278

C. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers (including tramadol) 9752

D. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(I) Not more than two hundred milligrams (200 mg) of codeine per one hundred milliliters (100 mL) or per one hundred



grams (100 gm);

(II) Not more than one hundred milligrams (100 mg) of dihydrocodeine per one hundred milliliters (100 mL) or per one hundred grams (100 gm); or

(III) Not more than one hundred milligrams (100 mg) of ethylmorphine per one hundred milliliters (100 mL) or per one hundred grams (100 gm).

2. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

A. Alfaxalone	2731
B. Alprazolam	2882
C. Barbitol	2145
D. Brexanolone	2400
E. Bromazepam	2748
F. Camazepam	2749
G. Carisoprodol	8192
H. Chloral betaine	2460
I. Chloral hydrate	2465
J. Chlordiazepoxide	2744
K. Clobazam	2751
L. Clonazepam	2737
M. Clorazepate	2768
N. Clotiazepam	2752
O. Cloxazolam	2753
P. Delorazepam	2754
Q. Diazepam	2765
R. Dichloralphenazone	2467
S. Estazolam	2756
T. Ethchlorvynol	2540
U. Ethinamate	2545
V. Ethyl loflazepate	2758
W. Fludiazepam	2759
X. Flunitrazepam	2763
Y. Flurazepam	2767
Z. Fospropofol	2138
AA. Halazepam	2762
BB. Haloxazolam	2771
CC. Ketazolam	2772
DD. Lemborexant	2245
EE. Loprazolam	2773
FF. Lorazepam	2885
GG. Lormetazepam	2774
HH. Mebutamate	2800
II. Medazepam	2836
JJ. Meprobamate	2820
KK. Methohexital	2264
LL. Methylphenobarbital (Mephobarbital)	2250
MM. Midazolam	2884
NN. Nimetazepam	2837
OO. Nitrazepam	2834
PP. Nordiazepam	2838
QQ. Oxazepam	2835
RR. Oxazolam	2839
SS. Paraldehyde	2585
TT. Petrichloral	2591
UU. Phenobarbital	2285
VV. Pinazepam	2883
WW. Prazepam	2764
XX. Quazepam	2881
YY. Remimazolam	2846
/YY./ZZ. Suvorexant	2223
/ZZ./AAA. Temazepam	2925
/AAA./BBB. Tetrazepam	2886

/BBB./CCC. Triazolam	2887
/CCC./DDD. Zaleplon	2781
/DDD./EEE. Zolpidem	2783
/EEE./FFF. Zopiclone	2784

3. Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

A. Fenfluramine	1670
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4. Lorcaserin. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

A. Lorcaserin	1625
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5. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

A. Cathine ((+)- norpseudoephedrine)	1230
B. Diethylpropion	1610
C. Fencamfamin	1760
D. Fenproporex	1575
E. Mazindol	1605
F. Mefenorex	1580
G. Modafinil	1680
H. Pemoline (including organometallic complexes and chelates thereof)	1530
I. Phentermine	1640
J. Pipradrol	1750
K. Serdexmethylphenidate	1729
/K./L. Sibutramine	1675
/L./M. Solriamfetol (2-amino-3- phenylpropyl carbamate; benzenepropanol, beta- amino-, carbamate (ester))	1650
/M./N. SPA (-)-1-dimethylamino- 1,2-diphenylethane	1635

6. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:

A. Pentazocine	9709
B. Butorphanol (including its optical isomers)	9720
C. Eluxadoline (5-[[[(2S)-2- amino-3-[4-aminocarbonyl]- 2,6-dimethylphenyl]-1- oxopropyl] [(1S)-1-(4-phenyl- 1 H-imidazol-2- yl)ethyl]amino]methyl]-2- methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers	9725

7. Ephedrine. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including their salts, isomers, and salts of isomers:

A. Ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient.

(E) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or

brand name designated, listed in this subsection.

1. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as follows, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

A. Not more than two hundred milligrams (200 mg) of codeine per one hundred milliliters (100 mL) or per one hundred grams (100 gm);

B. Not more than one hundred milligrams (100 mg) of dihydrocodeine per one hundred milliliters (100 mL) or per one hundred grams (100 gm);

C. Not more than one hundred milligrams (100 mg) of ethylmorphine per one hundred milliliters (100 mL) or per one hundred grams (100 gm);

D. Not more than two and five-tenths milligrams (2.5 mg) of diphenoxylate and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit;

E. Not more than one hundred milligrams (100 mg) of opium per one hundred milliliters (100 mL) or per one hundred grams (100 gm); and

F. Not more than five-tenths milligram (0.5 mg) of difenoxin (DEA Drug Code No. 9168) and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit.

2. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including its salts, isomers, and salts of isomers:

A. Pyrovalerone 1485

3. Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers if the drug preparations are starch-based solid dose forms, if such preparations are sold over the counter without a prescription. The following drug preparations containing ephedrine and pseudoephedrine are not scheduled controlled substances:

A. Drug preparations in liquid form;

B. Drug preparations that require a prescription in order to be dispensed.

4. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

A. Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester] 2779

B. Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide] 2746

C. Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] 2782

D. Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also referred to as BRV; UCB-34714; Briviact) 2710

E. Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl) pyridine-2-yl)-benzamide] 2790

F. Cenobamate ([1(R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester) 2720

**AUTHORITY:** section 195.015, RSMo Supp. [2020] 2021, and section 195.195, RSMo 2016. Material found in this rule previously filed as 19 CSR 30-1.010. Original rule filed April 14, 2000, effective Nov. 30, 2000. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 28, 2021, effective Oct. 13, 2021, expires April 10, 2022. Amended: Filed Sept. 28, 2021.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support or in opposition to this proposed amendment with Michael Boeger, Missouri Department of Health and Senior Services, Bureau of Narcotics and Dangerous Drugs, PO Box 570, Jefferson City, MO 65102 or via email at BNDD@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

## Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

### Division 30—Division of Regulation and Licensure Chapter 30—Ambulatory Surgical Centers and Abortion Facilities

#### PROPOSED AMENDMENT

**19 CSR 30-30.060 Standards for the Operation of Abortion Facilities.** The department is amending paragraph (1)(A)8.

**PURPOSE:** This amendment updates the list of laws, regulations, and standards that governing bodies must ensure abortion facilities abide by or otherwise comply with.

(1) Governing Body, Administration, and Medical Staff.

(A) The facility shall have a governing body which may be an individual owner or owners, partnership, corporate body, association, or public agency.

1. The governing body shall have full legal responsibility for determining, implementing, and monitoring policies governing a facility's total operation and for ensuring that the policies are administered in a manner to provide acceptable care in a safe environment and in accordance with all legal requirements and standards of care.

2. The governing body shall select and employ an administrator who is a physician licensed in Missouri, a registered nurse licensed in Missouri, or an individual who has at least one (1) year of administrative experience in health care.

3. If there is any change in the designation of the administrator, the governing body shall notify the department within ten (10) calendar days of the change.

4. The governing body shall ensure that, in the absence of the administrator from the facility, a person who meets the qualifications of an administrator as defined in this regulation shall be present at

the facility and fulfill the administrator's duties.

5. Bylaws of the governing body shall acknowledge that department surveyors shall be allowed to inspect the facility at any time the facility is in operation. Surveyors shall have due regard for the medical condition and reasonable privacy of the on-site patients.

6. Bylaws of the governing body shall require that the medical staff, facility personnel and all others providing services relative to the facility shall be directly or indirectly responsible to the governing body through the administrator.

7. The governing body, through the administrator, shall establish criteria for the content of patient records and shall provide for timely completion of those records and disciplinary action for non-compliance.

8. The governing body, through the administrator, shall ensure that the abortion facility abides by all applicable state and federal laws and regulations. This shall include, but not be limited to, compliance with Chapter 188, RSMo./, 13 CSR 70-3.030(3), and:

A. Notifying pathology lab of failed abortion within twenty-four (24) hours;

B. Ensuring that the physician providing informed consent to the patient is the physician who performs the procedure;

C. Ensuring that all medical records associated with abortions accurately reflect the date and time the record was created;

D. Ensuring that the physician who performs the abortion performs a pelvic exam at least seventy-two (72) hours before an abortion unless, in the physician's clinical judgment, such pelvic exam is not medically necessary and said physician documents the reason for such determination;

E. Ensuring that any physician, nurse, or other health care provider, or their contracted agents, cooperate with any Department of Health and Senior Services investigator upon written request of the investigator;

F. Ensuring that all employees participate in an annual fire drill;

G. Ensuring that policies are written in accordance with regulatory requirements;

H. Ensuring that endotracheal equipment is maintained and that staff is aware of the location of the equipment;

I. Following all acceptable sterilization standards for surgery instruments and equipment; and

J. Maintaining controlled substance logs in accordance with published regulations.

9. Any violation of law or regulation shall be immediately referred, in writing, with details of said violation or violations, to the Medicaid Audit and Compliance Unit of the Department of Social Services.

10. The governing body, through the administrator, shall be responsible for developing, implementing, and enforcing a policy to ensure protection of facility employees, physicians, and volunteers from retaliation or adverse employer actions by the facility for disclosing information regarding alleged infection control concerns; alleged facility mismanagement *[of]* or fraudulent activity; or alleged violations of state or federal law or regulations regarding patient care, patient safety, or facility safety.

*AUTHORITY: section 197.225, RSMo Supp. [2019] 2021. Original rule filed July 15, 1987, effective Oct. 25, 1987. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Sept. 28, 2021, effective Oct. 13, 2021, expires April 10, 2022. Amended: Filed Sept. 28, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Division of Regulation and Licensure, Steve Bollin, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**

### **Division 2250—Missouri Real Estate Commission**

#### **Chapter 2—General Rules**

#### **PROPOSED AMENDMENT**

**20 CSR 2250-2.040 Compensation Disputes and Compensation Paid to Unlicensed Business Entity.** The commission is amending the title, purpose, and section (1), and adding new section (2).

*PURPOSE: This amendment enacts legislative changes effective August 28, 2021 that permits brokers to pay real estate compensation to unlicensed business entities registered with the Missouri Secretary of State.*

*PURPOSE: This rule defines the commissioner's limitations with regard to civil problems of licensees and establishes guidelines for brokers paying compensation to unlicensed business entities owned by broker-salespersons or salespersons that were formed for the purpose of receiving compensation earned by such licensee.*

#### **(1) Disputes Concerning Matters of Compensation.**

*[(1)](A)* The commission will not enter into disputes between licensees concerning matters of commissions. The license law and these rules are designed to regulate the business conduct of licensees in the interest of the public and to discipline licensees when warranted. The commission has no authority to award money damages[,] but, as a condition of probation, may order restitution be made to injured parties.

#### **(2) Compensation Paid to Unlicensed Business Entity.**

**(A)** A broker may pay real estate compensation directly to an unlicensed business entity if the entity—

1. Has a valid registration on file with the Missouri secretary of state that reflects the business entity was formed for the purpose of receiving real estate compensation earned by the licensee; and

2. Is owned solely by the licensee, or owned by the licensee and the licensee's unlicensed spouse, or owned by the licensee and the licensee's licensed spouse both of whom are affiliated with the broker/brokerage paying the compensation, or owned by the licensee and other licensees all of whom are affiliated with the broker/brokerage paying the compensation.

**(B)** A business entity that receives compensation from a broker as provided for in subsections 4 and 5 of section 339.150, RSMo, shall not be required to be licensed under Chapter 339, RSMo, but the business entity must be—

1. Owned by a currently licensed broker-salesperson and/or salesperson;

2. Properly registered with the Missouri secretary of state, in good standing, and authorized to conduct business in Missouri; and

3. Established for the purpose of receiving real estate compensation to which the business entity's Articles of Organization or Articles of Incorporation filed with the Missouri secretary of state must include verbiage indicating the business entity was formed for the purpose of receiving real estate compensation.

(C) The designated broker of the brokerage paying the compensation to an unlicensed business entity shall be responsible for ensuring the business entity is in compliance with 339.150, RSMo, and the corresponding regulations promulgated thereunder.

(D) Any compensation paid to an unlicensed business entity must be paid in the exact name of the entity registered with the secretary of state, or under a currently registered fictitious name of the business entity.

(E) Entities currently licensed as a Missouri real estate entity, that wish to cease being licensed, may surrender their current license(s) as delineated under rule 20 CSR 2250-8.155(1) and must ensure they meet the requirements of sections 339.100 and 339.150, RSMo, and all regulations promulgated thereunder before receiving compensation payable to the unlicensed entity from a designated broker.

*AUTHORITY: sections 339.100.3., 339.120, and 339.150, RSMo Supp. [2012] 2021, and section 339.205, RSMo 2016. This rule originally filed as 4 CSR 250-2.040. Original rule filed Sept. 25, 1975, effective Oct. 15, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 22, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF COMMERCE  
AND INSURANCE  
Division 2250—Missouri Real Estate Commission  
Chapter 8—Business Conduct and Practice**

**PROPOSED AMENDMENT**

**20 CSR 2250-8.070 Advertising.** The commission is adding new section (5) and renumbering as necessary.

*PURPOSE: This amendment enacts legislative changes effective August 28, 2021, that restricts real estate advertisement by unlicensed entities and use of certain terms that leads the general public to believe the unlicensed entity is a licensed real estate firm.*

(5) No licensee or group of licensees shall advertise as a real estate company in any manner, or use any name, team name, or other term that could be construed by members of the public as the advertiser being a real estate partnership, company, brokerage, or business entity, unless the advertiser holds a valid appropriate entity license.

(A) Such terms include use of the words realty, brokerage, company, or other terms that may be construed as a real estate entity.

(B) The context of the advertisement or solicitation may be considered by the commission when determining whether a licensee has committed a violation.

(C) A licensee or group of licensees that are not entities under Chapter 339, RSMo, with fictitious names, which want to adver-

tise with the licensee or group name, should file with the secretary of state a fictitious name that is owned by the broker/brokerage in which the licensee or group of licensees are affiliated. The registration of a fictitious name with the Missouri Secretary of State's Office does not exempt a licensee or group of licensees from the requirements of 20 CSR 2250-8.070(3).

*//(5)/(6) Guaranteed Sales.*

(A) As used in this rule, the term guaranteed sales plan includes, but is not limited to: *//i/1.*) any plan in which a seller's real estate is guaranteed to be sold, or *//ii/2.*) any plan where a licensee or anyone affiliated with a licensee will purchase a seller's real estate if it is not purchased by a third party in the specified period of a listing or within some other specified period of time.

(B) Any written advertisement by a licensee of a guaranteed sales plan shall include a statement advising the seller that if the seller is eligible, costs and conditions may apply and advising the seller to inquire of the licensee as to the terms of the guaranteed sales agreement. This information shall be set forth in print at least one-fourth (1/4) as large as the largest print in the advertisement.

(C) Any radio or television advertisement by a licensee of a guaranteed sales plan shall include a conspicuous statement advising if any conditions and limitations apply.

(D) Every guaranteed sales agreement must be in writing and contain all of the conditions and other terms under which the property is guaranteed to be sold or purchased, including the charges or other costs for the service or plan, the price for which the property will be sold or purchased, and the approximate net proceeds the seller may reasonably expect to receive.

*AUTHORITY: sections 339.100 and 339.120, RSMo Supp. [2007] 2021. This rule originally filed as 4 CSR 250-8.070. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 22, 2021.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Real Estate Commission, PO Box 1339, Jefferson City, MO 65102, by facsimile at 573-751-2777, or via email at realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 161.092, 168.011, 168.071, and 168.081, RSMo 2016, and section 168.021, RSMo Supp. 2021, the board amends a rule as follows:

**5 CSR 20-400.220** Application for Substitute Certificate of License to Teach **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2021 (46 MoReg 926-927). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received a total of two (2) comments on this proposed amendment. Of those two (2) comments, both requested another avenue for persons to obtain a substitute teacher certificate.

**COMMENT #1:** Ken Boning, professor and coordinator for the Jefferson College Teacher Education Program, stated that allowing students to take a Foundations of Education course should also result in obtaining a substitute teacher certificate.

**RESPONSE:** This comment does not specifically address the pro-

posed amendment; therefore, no changes have been made to the amendment as a result of this comment. We will take this comment into consideration for future amendments.

**COMMENT #2:** Angie Miller, department chair at Ozarks Technical Community College, stated that allowing students to complete a course they are already taking as a part of the educator preparation process should also result in obtaining a substitute teacher certificate.

**RESPONSE:** This comment does not specifically address the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment. We will take this comment into consideration for future amendments.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, the board rescinds a rule as follows:

**5 CSR 20-400.360** Missouri Critical Teacher Shortage Forgivable Loan Program **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 15, 2021 (46 MoReg 1000-1001). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Financial and Administrative  
Services  
Chapter 640—School Buildings**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 161.215, RSMo Supp. 2021, the board amends a rule as follows:

**5 CSR 30-640.200** Early Learning Facilities Funding Formula for Lease Agreements **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2021 (46 MoReg 927). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Financial and Administrative  
Services  
Chapter 660—School Finance**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 161.092 and 163.011, RSMo 2016, the board amends a rule as follows:

**5 CSR 30-660.080 Performance Districts is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2021 (46 MoReg 927-928). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Financial and Administrative  
Services  
Chapter 660—School Finance**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 161.092 and 167.126(4) and (5), RSMo 2016, the board amends a rule as follows:

**5 CSR 30-660.095 State Agency Payments to School Districts for Educational Services is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2021 (46 MoReg 926). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of Financial and Administrative  
Services  
Chapter 680—Food and Nutrition Services**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 161.092 and 178.430, RSMo 2016, the board adopts a rule as follows:

**5 CSR 30-680.080 School Food Authority Appeal Procedures is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2021 (46 MoReg 928-930). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes

effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department amends a rule as follows:

**9 CSR 30-3.032 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2021 (46 MoReg 1050-1052). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT #1: A staff member requested that paragraphs (4)(A)1.–4. be removed and subsection (4)(A) be amended to state, “Organizations requesting certification must comply with 9 CSR 10-7.130, Procedures to Obtain Certification, by submitting a fully completed application to the department.”

RESPONSE AND EXPLANATION OF CHANGE: The rule has been amended as requested.

**9 CSR 30-3.032 Certification of Substance Use Disorder Prevention and Treatment Programs**

(4) Approval of Programs and Sites. The department must authorize and approve each proposed program/service and site prior to the delivery of services.

(A) Organizations requesting certification must comply with 9 CSR 10-7.130, Procedures to Obtain Certification, by submitting a fully completed application to the department.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department rescinds a rule as follows:

**9 CSR 30-3.100 Service Delivery Process and Documentation is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2021 (46 MoReg 1052). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department adopts a rule as follows:

9 CSR 30-3.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2021 (46 MoReg 1052-1054). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed rule.

COMMENT #1: A staff member requested that Qualified Addiction “Specialist” in subsection (2)(B) be changed to Qualified Addiction “Professional.”

RESPONSE AND EXPLANATION OF CHANGE: The language has been changed as requested.

**9 CSR 30-3.100 General Requirements for Substance Use Disorder Treatment Programs**

(2) Diagnosis. Eligibility for services shall include a diagnosis of a substance use disorder by a licensed diagnostician in accordance with the *Diagnostic and Statistical Manual of Mental Disorders Fifth Edition (DSM-5)*, 2013, incorporated by reference and made a part of this rule as published by the American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209-3901. This rule does not incorporate any subsequent amendments or additions to this publication.

(B) Signatures can be obtained by a face-to-face meeting with a licensed diagnostician or a face-to-face meeting with a master’s level Qualified Addiction Professional (QAP) or a Qualified Mental Health Professional (QMHP) followed by sign off by a licensed diagnostician. Signature stamps shall not be used.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department rescinds a rule as follows:

**9 CSR 30-3.110 Service Definitions and Staff Qualifications  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2021 (46 MoReg 1054). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department adopts a rule as follows:

9 CSR 30-3.110 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2021 (46 MoReg 1054-1058). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two (2) comments were received.

COMMENT #1: George Oestreich, Pharm.D., MPA, Principal, G.L.O. & Associates, provided comments regarding subsection (1)(O) medication services, and subsection (1)(P) medication services support.

Dr. Oestreich commented that pharmacists are, by education and training, drug experts. Missouri citizens should be allowed access to pharmacists when participating in the key service functions such as screening for and educating on medication side effects, changing medication orders, and consulting on medication monitoring and management, as included in this service.

As promulgated by the Missouri Pharmacy Practice Act (RSMo, 338.010) and defined by the Missouri Board of Pharmacy in 20 CSR 2220-6.070 and 20 CSR 2220-6.080, pharmacists can work under a collaborating practice agreement, referred to as a medication therapeutic plan or medication therapy services (MTS) by pharmacists, to make necessary therapy changes similar to an APRN. Pharmacists are highly qualified healthcare professionals capable of performing the key services listed above.

There is specialized training that many Missouri pharmacists have acquired in managing psychotropic medications. The Department of Mental Health already recognizes and lists, “A psychiatric pharmacist as defined in 9 CSR 30-4.030” as a Qualified Mental Health Professional (QMHP) in 9 CSR 10-7.140.

We recommend that pharmacists be included in the list of providers who are qualified and can provide medication services and medication services support.

RESPONSE: The department appreciates the comments from Dr. Oestreich. Due to staff requirements included in the current Medicaid State Plan Amendment for the Comprehensive Substance Treatment and Rehabilitation (CSTAR) Program, pharmacists cannot be added at this time. When the CSTAR State Plan is opened in the future to make necessary program changes, the department will consider the addition of pharmacists as qualified practitioners of the CSTAR agency to provide medication services and medication services support. This will be subject to approval by the Centers for Medicare and Medicaid. Not all certified CSTAR programs employ or have a contractual relationship with a pharmacist(s) to provide services, therefore, their addition as a qualified provider may benefit a limited number of programs throughout the state.

COMMENT #2: A staff member requested that “Inc.” be removed from “Missouri Credentialing Board” in section (3), as that is incorrect.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and made this change.

**9 CSR 30-3.110 Service Definitions, Staff Qualifications, and  
Documentation Requirements for Substance Use Disorder  
Treatment Programs**

(3) Supervision of Associate Counselors. If an AAC provides individual or group counseling, he/she shall meet the requirements of the Missouri Credentialing Board or the appropriate board of professional registration within the Department of Commerce and Insurance. All counselor functions performed by an AAC shall be performed pursuant to the supervisor's authority, oversight, guidance, and full professional responsibility.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department rescinds a rule as follows:

**9 CSR 30-3.132 Opioid Treatment Program is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2021 (46 MoReg 1058). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department adopts a rule as follows:

**9 CSR 30-3.132 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2021 (46 MoReg 1058-1063). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received.

COMMENT #1: A department staff member requested “antagonist” be added to the types of medications included in subsection (2)(A). RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will add “antagonist” to subsection (2)(A).

COMMENT #2: A department staff member requested “licensed physician” be changed to “qualified prescriber” in paragraph (2)(B)1.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will change the language as requested.

COMMENT #3: A department staff member requested “program physician” be changed to “qualified prescriber” in the second sentence of paragraph (2)(B)3.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will change the language as requested.

**9 CSR 30-3.132 Opioid Treatment Programs**

(2) Medication Administration, Dispensing, and Use. OTPs shall only utilize medications approved by the FDA for the treatment of opioid use disorder.

(A) Opioid agonist, partial agonist, and antagonist treatment medications shall be administered and dispensed by a practitioner licensed in Missouri and registered under the appropriate state and federal laws to administer or dispense opioid drugs.

(B) Written policies and procedures shall be maintained to ensure the following dosage form and initial dosing requirements are met:

1. Methadone is prescribed by a qualified prescriber, administered and dispensed only in oral form, and formulated in a manner to reduce its potential for parenteral abuse;

2. For newly admitted individuals, the initial dose of methadone does not exceed thirty (30) milligrams and the total dose for the first day does not exceed forty (40) milligrams, unless the program physician documents in the individual record that forty (40) milligrams did not suppress opioid abstinence symptoms; and

3. Each opioid agonist medication is administered and dispensed in accordance with its approved product labeling. Dosing and administration decisions shall be made by a qualified prescriber familiar with the most up-to-date product labeling. These procedures must ensure any significant deviations from the approved labeling, including deviations with regard to dose, frequency, or the conditions of use described in the approved labeling, are specifically documented in the individual record.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department adopts a rule as follows:

**9 CSR 30-3.155 Staff Requirements for Comprehensive Substance Treatment and Rehabilitation (CSTAR) Programs is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2021 (46 MoReg 1064-1065). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department adopts a rule as follows:

**9 CSR 30-3.157 Community Support in Comprehensive Substance Treatment and Rehabilitation (CSTAR) Programs is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2021 (46



MoReg 1065-1066). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Substance Use Disorder Prevention and  
Treatment Programs**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Mental Health under sections 630.192–630.198, RSMo 2016, the department adopts a rule as follows:

9 CSR 30-3.195 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2021 (46 MoReg 1066-1067). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed rule.

COMMENT #1: A staff member requested the following be added to section (3): “Each individual served or parent/guardian must provide informed, written consent to treatment prior to delivery of services, and a copy of the consent form must be retained in the individual’s record. Consent to treat documentation shall be updated annually, as applicable.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will add this language to section (3).

COMMENT #2: A staff member requested paragraph (3)(B)1. be revised to state, “Each individual shall participate in the development of his/her treatment plan.” The remaining language regarding the signature of individuals served or that of their parent/guardian on the treatment plan should be removed as that is no longer required.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will make this change to paragraph (3)(B)1.

**9 CSR 30-3.195 Outpatient Substance Use Disorder Treatment Programs**

(3) Treatment Planning. Services shall be provided under the direction of an individual treatment plan as specified in 9 CSR 10-7.030(4). Each individual served or parent/guardian must provide informed, written consent to treatment prior to delivery of services, and a copy of the consent form must be retained in the individual’s record. Consent to treat documentation shall be updated annually, as applicable.

(B) The treatment plan shall be completed within the first three (3) outpatient visits.

1. Each individual shall participate in the development of his/her treatment plan.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under

section 313.805, RSMo Supp. 2021, the commission amends a rule as follows:

**11 CSR 45-5.090 Submission of Chips for Review and Approval  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2021 (46 MoReg 758). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 2, 2021, and the commission held a public hearing on the proposed amendment on July 6, 2021. No one attended the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2021, the commission amends a rule as follows:

**11 CSR 45-5.110 Primary, Secondary, and Reserve Sets of Gaming  
Chips is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2021 (46 MoReg 758). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 2, 2021, and the commission held a public hearing on the proposed amendment on July 6, 2021. No one attended the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2021, the commission amends a rule as follows:

**11 CSR 45-5.140 Receipt of Gaming Chips or Tokens from  
Manufacturer is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2021 (46 MoReg 758-759). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 2, 2021, and the commission held a public hearing on the proposed amendment on July 6, 2021. No one attended the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2021, the commission amends a rule as follows:

**11 CSR 45-9.108** Minimum Internal Control Standards (MICS)—  
Chapter H is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2021 (46 MoReg 759). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 2, 2021, and the commission held a public hearing on the proposed amendment on July 6, 2021. No one attended the public hearing and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2021, the commission amends a rule as follows:

**11 CSR 45-9.118** Minimum Internal Control Standards (MICS)—  
Chapter R is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2021 (46 MoReg 759). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 2, 2021, and the commission held a public hearing on the proposed amendment on July 6, 2021. No one attended the public hearing and no written comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND  
INSURANCE  
Division 2010—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri State Board of Accountancy under sections 326.262 and 326.271, RSMo 2016, the board amends a rule as follows:

**20 CSR 2010-2.061** Requirements for an Initial License to Practice  
is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2021

(46 MoReg 1337). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES**

**Division 60—Missouri Health Facilities**

**Review Committee**

**Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for November 23, 2021. These applications are available for public inspection at the address shown below.

**Date Filed**

**Project Number:** Project Name

City (County)

Cost, Description

**10/08/2021**

**#5866 HT:** SSM Health DePaul Hospital

Bridgeton (St. Louis County)

\$1,684,500, Replace robotic surgery system

**10/11/2021**

**#5898 HT:** The Children's Mercy Hospital

Kansas City (Jackson County)

\$3,500,000, Replace pediatric cardiac catheterization lab unit

**10/12/2021**

**#5900 HT:** Mercy Hospital South

St. Louis (St. Louis County)

\$1,739,772, Replace cardiac catheterization lab equipment

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by November 12, 2021. All written requests and comments should be sent to—

Chairman

Missouri Health Facilities Review Committee

c/o Certificate of Need Program

3418 Knipp Drive, Suite F

PO Box 570

Jefferson City, MO 65102

For additional information contact Alison Dorge at  
alison.dorge@health.mo.gov.

## Missouri Department of Revenue

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## Taxation Division

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## Construction Transient Employer Listing

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
2 POINT CONSTRUCTION CO LLC	110 GREYSTONE AVE		KANSAS CITY	KS	66103-1355
2H&V CONSTRUCTION SERVICES LLC	PO BOX 1301		BONIFAY	FL	32425-4301
4MC CORPORATION	8040 JORDAN RD		OAKLEY	IL	62501-6999
A & B PROCESS SYSTEMS CORP	212700 STAINLESS AVE		STRATFORD	WI	54484-4324
A & K CONSTRUCTION SERVICES INC	100 CALLOWAY CT		PADUCAH	KY	42001-9035
A AND M COMMUNICATION LLC	PO BOX 175		BORING	OR	97009-0175
A AND M ENGINEERING AND ENVIRONMENTAL SERVICES INC	10010 E 16TH ST		TULSA	OK	74128-4611
A EPSTEIN & SONS INTERNATIONAL INC	600 W FULTON ST STE 800		CHICAGO	IL	60661-1254
A I INTERNATIONAL INC	8055A NATIONAL TPKE		LOUISVILLE	KY	40214-5201
ABSOLUTE CONSTRUCTION INC	954 KENNEDY AVE		SCHERERVILLE	IN	46375-7100
ACADEMY ROOFING & SHEET METAL OF THE MIDWEST INC	6361 NE 14TH ST		DES MOINES	IA	50313-1212
ACCESS LIMITED CONSTRUCTION COMPANY	1102 PIKE LN		OCEANO	CA	93445-9403

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Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
ACCESS RIGGING LLC	514 ANCLOTE RD		TARPON SPGS	FL	34689-6701
ACCESSIBILITY REMODELING LLC	3112 MERRIAM LN		KANSAS CITY	KS	66106-4616
ACE AIR CONDITIONING INC	2985 ENTERPRISE RD STE A		DEBARY	FL	32713-2710
ACE AVANT CONCRETE CONSTRUCTION CO INC	PO BOX 14006		ARCHDALE	NC	27263-7006
ACE SIGN COMPANY	2540 S 1ST ST		SPRINGFIELD	IL	62704-4700
ACRONYM MEDIA INC	350 5TH AVE STE 6500		NEW YORK	NY	10118-6500
ADVANCE ELECTRIC INC	353 N INDIANA AVE		WICHITA	KS	67214-4034
ADVANCED PROJECT SOLUTIONS (FL) LLC	PO BOX 1116		SPEARFISH	SD	57783-7116
AE MFG INC	6468 N YALE AVE		TULSA	OK	74117-2411
AES MECHANICAL SERVICES	PO BOX 780115		TALLASSEE	AL	36078-0014
AG PROPERTY SOLUTIONS	PO BOX 96		EMMETSBURG	IA	50536-0096
AH BECK FOUNDATION CO INC	9014 GREEN RD		CONVERSE	TX	78109-3356
AHRS CONSTRUCTION INC	533 RAILROAD ST		BERN	KS	66408-8006
ALBERTINE COMPANY LLC	2176 WEST ST STE 207		GERMANTOWN	TN	38138-3859
ALDRIDGE ELECTRIC INC	844 E ROCKLAND RD		LIBERTYVILLE	IL	60048-3358
ALL AMERICAN SCAFFOLD LLC	51 WASHINGTON AVE		DES MOINES	IA	50314-3642
ALL AMERICAN TRACK INC	PO BOX 186		ASH FORK	AZ	86320-0186
ALL PURPOSE ERECTORS INC	1112 STARLIFTER DR		LEBANON	IL	62254-2724
ALL SERVICE CONTRACTING CORP	2024 E DAMON AVE		DECATUR	IL	62526-4749

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
ALL STAR WL LLC	210 E 1ST ST		GROVE	OK	74344-3129
ALLIANCE GLAZING TECHNOLOGIES INC.	646 FORESTWOOD DR		ROMEOVILLE	IL	60446-1378
ALLIANCE RETAIL CONSTRUCTION INC	6000 CLARK CENTER AVE		SARASOTA	FL	34238-2716
ALLIED CORROSION INDUSTRIES INC	1550 COBB INDUSTRIAL DR		MARIETTA	GA	30066-6625
ALSTON CONSTRUCTION COMPANY INC	8775 FOLSOM BLVD STE 201		SACRAMENTO	CA	95826-3725
ALTERED GROUNDS OUTDOOR SERVICES LLC	4937 REDWOOD LN		GRANITE CITY	IL	62040-2651
AMC INSPECTION & LOCATORS LLC	PO BOX 592		BEEBE	AR	72012-0592
AMERICA 9 CONSTRUCTION LLC	19015A WILKS DR		CYPRESS	TX	77433-4348
AMERICAN BRIDGE COMPANY	1000 AMERICAN BRIDGE WAY		CORAOPOLIS	PA	15108-1266
AMERICAN HYDRO CORPORATION	PO BOX 3628		YORK	PA	17402-0136
AMERICAN LIFT & SIGN SERVICE COMPANY	6958 N 97TH CIR		OMAHA	NE	68122-1060
AMERICAN PRESERVATION BUILDERS LLC	8111 ROCKSIDE RD STE 101		CLEVELAND	OH	44125-6130
AMERICAN ROOFING	2500 S 2ND ST		LEAVENWORTH	KS	66048-4542
AMERICAN SEALANTS INC	2483 RIVERSIDE PKWY		GRAND JCT	CO	81505-1319
AMERICOM WEST INC	2910 WATERS RD STE 170		EAGAN	MN	55121-1587
AMES CONSTRUCTION INC	2500 COUNTY ROAD 42 W		BURNSVILLE	MN	55337-6911
ANCHOR SIGN INC	PO BOX 22737		CHARLESTON	SC	29413-2737

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**Construction Transient Employer Listing**

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
ANDRITZ HYDRO CORP.	10735 DAVID TAYLOR DR STE 500		CHARLOTTE	NC	28262-1289
ANGELUS WATERPROOFING AND RESTORATION INC.	17762 METZLER LN		HUNTINGTON BEACH	CA	92647-6245
ANTIGO CONSTRUCTION INC	2520 CLERMONT ST		ANTIGO	WI	54409-2931
AP FABRICATIONS LLC	801 E 2ND ST		STUTTGART	AR	72160-3836
AP PROFESSIONALS OF PHOENIX LLC	350 LINDEN OAKS		ROCHESTER	NY	14625-2807
APCO ELECTRIC INC	11919 I 70 FRONTAGE RD N UNIT 127		WHEAT RIDGE	CO	80033-7120
APPLE ELECTRIC INTEGRATED SOLUTIONS INC	PO BOX 998		LOUISBURG	KS	66053-0998
APPLIED KEYSTONE TECHNOLOGIES INC.	820 OLD MOUNT GRETN RD		LEBANON	PA	17042-4848
APPLIED POLYMERICS INC	131 SAINT JAMES WAY		MOUNT AIRY	NC	27030-6068
AR CONSTRUCTION LLC	PO BOX 1171		HOOKER	OK	73945-1171
ARACREBS1 LLC	PO BOX 1670		SPRINGDALE	AR	72765-1670
ARCHER WESTERN CONTRACTORS LLC	PAYROLL 929 W ADAMS ST		CHICAGO	IL	60607
ARCHON CONSTRUCTION CO. INC.	563 S ROUTE 53		ADDISON	IL	60101-4236
ARCHVIEW CONTRACTING LLC	3130 GRAVOIS AVE		SAINT LOUIS	MO	63118-2128
ARCHWALL LLC	PO BOX 38		STRAWBERRY PT	IA	52076-0038
ARENA PRODUCTS AND SERVICES LLC	PO BOX 2230		ELIZABETH	CO	80107-2230
ARISTEO CONSTRUCTION COMPANY	12811 FARMINGTON RD		LIVONIA	MI	48150-1607

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
ARISTEO INSTALLATION LLC	12811 FARMINGTON RD		LIVONIA	MI	48150-1607
ARNDT ENTERPRISES INC	2579 195TH ST		DE WITT	IA	52742-9114
ARROW SIGNS & OUTDOOR ADVERTISING INC	4545 N ALBY RD		GODFREY	IL	62035-1954
ARVOS LJUNGSTROM LLC	3020 TRUAX RD		WELLSVILLE	NY	14895-9531
ASA CARLTON INC	5224 PALMERO CT # 1		BUFORD	GA	30518-5868
ASPEN DESIGN INC	9645 LINCOLNWAY LN STE 201		FRANKFORT	IL	60423-1884
ASPHALT STONE COMPANY	PO BOX 1060		JACKSONVILLE	IL	62651-1060
ASSOCIATED FIRE PROTECTION	4905 S 97TH ST		OMAHA	NE	68127-2202
ATLANTIC TRACK RUNWAY SERVICES LLC	2903 ARKANSAS BLVD		TEXARKANA	AR	71854-2535
ATLAS TRENCHLESS LLC	PO BOX 488		ROCKVILLE	MN	56369-0488
ATWOOD ELECTRIC INC	PO BOX 311		SIGOURNEY	IA	52591-0311
AXIOS INDUSTRIAL MAINTENANCE CONTRACTORS INC	10077 GROGANS MILL RD STE 450		SPRING	TX	77380-1030
AYARS & AYARS INC	2436 N 48TH ST		LINCOLN	NE	68504-3627
B T GROUP HOLDINGS INC	1717 S BOULDER AVE STE 300		TULSA	OK	74119-4843
B & S STEEL CO. LLC	1604 S AVE		MORNING SUN	IA	52640-9698
B&E ELECTRICAL INC	1843 ROYLE RD		SUMMERVILLE	SC	29486-1779
BACON FARMER WORKMAN ENGINEERING & TESTING INC	500 S 17TH ST		PADUCAH	KY	42003-2819
BAILEY CONSTRUCTION AND CONSULTING LLC	2200 N RODNEY PARHAM RD STE 206		LITTLE ROCK	AR	72212-4155



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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
BAJA CONSTRUCTION CO INC	223 FOSTER ST		MARTINEZ	CA	94553-1029
BARKER CONTRACTING INC.	2127 E SPEEDWAY BLVD STE 101		TUCSON	AZ	85719-4751
BARLOVENTO LLC	431 TECHNOLOGY DR		DOTHAN	AL	36303-1247
BARRIER TECHNOLOGIES LLC	8245 NIEMAN RD		LENEXA	KS	66214-1508
BARTON ELECTRIC CONTRACTING INC	247 STATE ROUTE 160		TRENTON	IL	62293-4667
BASLER ELECTRIC COMPANY	12570 STATE ROUTE 143		HIGHLAND	IL	62249-1074
BAZIN SAWING & DRILLING LLC	30790 SWITZER RD		LOUISBURG	KS	66053-5903
BCI ELECTRICAL INC	PO BOX 546		GARDNER	KS	66030-0546
BEAM TEAM CONSTRUCTION INC	1350 BLUEGRASS LAKES PKWY		ALPHARETTA	GA	30004-3395
BECHEL CONSTRUCTION INC	41 BRANGENBERG HOLLOW RD		KAMPSVILLE	IL	62053-4464
BEL O COOLING & HEATING INC	8478 US HIGHWAY 50		LEBANON	IL	62254-2524
BELL CONSTRUCTION COMPANY INC.	PO BOX 9041		NORTH LITTLE ROCK	AR	72119-9041
BERG PAINTING LLC	118 PEAVEY CIR		CHASKA	MN	55318-2347
BERRY BROS GENERAL CONTRACTORS INC	PO BOX 253		BERWICK	LA	70342-0253
BETHALTO GLASS INC	PO BOX 186		BETHALTO	IL	62010-0186
BETTIS ASPHALT & CONSTRUCTION INC	PO BOX 1694		TOPEKA	KS	66601-1694

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
BETWEEN THE LINES CONSTRUCTION LLC	121 E MYRTLE ST		TROY	KS	66087-5258
BEUMER CORPORATION	800 APGAR DR		SOMERSET	NJ	08873-1152
BIERMAN CONTRACTING INC	PO BOX 1887		COLUMBUS	NE	68602-1887
BILLY W JARRETT CONSTRUCTION COMPANY INC	905 S PERRY ST STE 101		MONTGOMERY	AL	36104-5021
BIRDAIR INC	6461 MAIN ST		WILLIAMSVILLE	NY	14221-5837
BLAHNIK CONSTRUCTION COMPANY	150 50TH AVENUE DR SW		CEDAR RAPIDS	IA	52404-5038
BLANKENSHIP CONSTRUCTION CO	1824 IL ROUTE 140		MULBERRY GRV	IL	62262-3303
BLATTNER ENERGY INC.	392 COUNTY ROAD 50		AVON	MN	56310-8684
BLD SERVICES LLC	2424 TYLER ST		KENNER	LA	70062-4845
BLEVINS CONSTRUCTION MANAGEMENT INC	PO BOX 111		WILDWOOD	GA	30757-0111
BLUE SKY CONSTRUCTION OF IDAHO LLC	2365 E COLUMBIA RD		MERIDIAN	ID	83642-7211
BLUEGRASS CUSTOM CABINETS LLC	3203 DEER POINT PL		PROSPECT	KY	40059-8139
BLUESTONE LLC	220 N SMITH ST STE 420		PALATINE	IL	60067-2477
BLUEWATER CONSTRUCTORS INC	PO BOX 55482		HOUSTON	TX	77255-5482
BLUNIER BUILDERS INC	1230 US HIGHWAY 24		EUREKA	IL	61530-9448
BOB BERGKAMP CONSTRUCTION CO INC	3709 S WEST ST		WICHITA	KS	67217-3898
BOB FLORENCE CONTRACTOR INC	PO BOX 5258		TOPEKA	KS	66605-0258

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
BOCO CONTRACTING & CONSTRUCTION LLC	PO BOX 638		BRIGHTON	IL	62012-0638
BODINE ELECTRIC OF DECATUR	PO BOX 976		DECATUR	IL	62525-1810
BORTON CONSTRUCTION INC	2 COPELAND AVE STE 201		LA CROSSE	WI	54603-3419
BORTON LC	PO BOX 2108		HUTCHINSON	KS	67504-2108
BOUMA CONSTRUCTION INC	4101 ROGER B CHAFFEE MEM DR SE		GRAND RAPIDS	MI	49548-3443
BOUMA FIRE INC	2212 E 39TH ST N		SIOUX FALLS	SD	57104-5409
BRADSHAW CONSTRUCTION CORPORATION MARYLAND	175 W LIBERTY RD		ELDERSBURG	MD	21784-9381
BRAMSON HOUSE INC	151 ALBANY AVE		FREEMPORT	NY	11520-4710
BRANCH BUILDING GROUP LLC	813 COLUMBIA AVE STE B		FRANKLIN	TN	37064-8222
BRANTLEY CONSTRUCTION LLC	7227 W 162ND TER		STILWELL	KS	66085-8238
BRETT FRITZEL BUILDERS INC	2201 MALLARD CIR		EUDORA	KS	66025-2101
BREWSTER COMPANIES INC	6321 E MAIN ST		MARYVILLE	IL	62062-2014
BROCK SERVICES LLC	PO BOX 306		BEAUMONT	TX	77704-0306
BROOKS DIRECTIONAL DRILLING LLC	24531 102ND DR		BURDEN	KS	67019-9202
BROOKS ELECTRICAL	1107 N 1712 RD		LAWRENCE	KS	66049-9714
BROWN TANK LLC	6995 55TH ST N STE A		SAINT PAUL	MN	55128-1726
BRUCE CONCRETE CONSTRUCTION INCORPORATED	4401 STATE ROUTE 162		GRANITE CITY	IL	62040-6412

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**Construction Transient Employer Listing**

<b>Contractor Name</b>	<b>Street Address</b>	<b>Street Address 2</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
BRUNAUGH CONSTRUCTION AND DESIGN LLC	PO BOX 394		ALTON	IL	62002-0394
BRYAN-OHLMEIER CONST INC	911 N PEARL ST		PAOLA	KS	66071-1139
BUEHNER CONSTRUCTION INC	3158 S MAIN ST		SALT LAKE CTY	UT	84115-3750
BUFFALO GAP INSTRUMENTATION & ELECTRICAL COMPANY I	2532 AYMOND ST		EUNICE	LA	70535-6843
BULLEY & ANDREWS MASONRY RESTORATION LLC	1755 W ARMITAGE AVE		CHICAGO	IL	60622-1189
BUSH TURF INC	6800 78TH AVE W		MILAN	IL	61264-4146
BUTT CONSTRUCTION COMPANY INCORPORATED	3858 GERMANY LN		DAYTON	OH	45431-1607
CADY AQUASTORE	383 IL HWY 92		TAMPICO	IL	61283
CAM DEVELOPMENT GROUP INC	1891 OLD GRANART RD STE A		SUGAR GROVE	IL	60554-9428
CANNON UTILITY SERVICES LLC	1320 E STATE ROUTE 15		BELLEVILLE	IL	62220-4803
CAPITOL CONSTRUCTION MANAGEMENT INC	PO BOX 2227		LOWELL	AR	72745-2185
CAPITOL CONSTRUCTION SERVICES OF INDIANA INC	11051 VILLAGE SQUARE LN		FISHERS	IN	46038-4552
CARBON ACTIVATED CORPORATION	2250 S CENTRAL AVE		COMPTON	CA	90220-5311
CARDINAL INTERNATIONAL GROOVING & GRINDING LLC	PO BOX 450		CONSHOHOCKEN	PA	19428-0450
CARPORT STRUCTURES CORPORATION	1825 METAMORA RD		OXFORD	MI	48371-2419

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**Construction Transient Employer Listing**

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
CARSTENSEN CONTRACTING INC	800 QUARTZITE ST		DELL RAPIDS	SD	57022-1818
CAS CONSTRUCTORS LLC	3500 SW FAIRLAWN RD STE 200		TOPEKA	KS	66614-3979
CASEY INDUSTRIAL INC	890 W CHERRY ST		LOUISVILLE	CO	80027-3050
CASH DEPOT LIMITED WISCONSIN	1740 COFRIN DR STE 2		GREEN BAY	WI	54302-2086
CATALYST AIR MANAGEMENT INC	2505 BYINGTON SOLWAY RD		KNOXVILLE	TN	37931-3854
CB INDUSTRIES INC	17250 NEW LENOX RD		JOLIET	IL	60433-9758
CB RECOVERY GROUP INC	1821 WALDEN OFFICE SQ STE 395		SCHAUMBURG	IL	60173-4285
CCC GROUP INC	PO BOX 200350		SAN ANTONIO	TX	78220-0350
CELLSITE SOLUTIONS LLC	4150 C ST SW		CEDAR RAPIDS	IA	52404-7451
CEMROCK LANDSCAPES INC	4790 S JULIAN AVE		TUCSON	AZ	85714-2123
CENTRAL BUILDING & PRESERVATION LP	1071 W FRY ST		CHICAGO	IL	60642-5422
CENTRIC SECURITY & AUTOMATION INC	103 LANTER CT		COLLINSVILLE	IL	62234-6124
CENTURY FIRE PROTECTION LLC	3450 SATELLITE BLVD		DULUTH	GA	30096-4643
CERAM ENVIRONMENTAL INC	7304 W 130TH ST STE 140		OVERLAND PARK	KS	66213-2644
CFE INC	35 INDUSTRIAL PARK BLVD	BOX 1255	ELMIRA	NY	14901-1723
CHAPMAN CANOPY INC	PO BOX 3527		HUEYTOWN	AL	35023-0527
CHARLES E MAHONEY CO	208 SERVICE ST		SWANSEA	IL	62226-3995
CHARPS LLC	453 TOWER ST NW		CLEARBROOK	MN	56634-4289

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
CHATTANOOGA BOILER & TANK CO INC	1011 E MAIN STREET		CHATTANOOGA	TN	37408
CHEMPRO SERVICES INC	3311 GULF BREEZE PKWY # 350		GULF BREEZE	FL	32563-3351
CHERNE CONTRACTING CORPORATION	3555 FARNAM ST		OMAHA	NE	68131-3311
CHOATE CONSTRUCTION COMPANY	8200 ROBERTS DR STE 600		ATLANTA	GA	30350-4148
CJ DRILLING INC	19N041 GALLIGAN RD		DUNDEE	IL	60118-9536
CL CONSTRUCTION LLC	1927 COUNTY ROAD I		WAHOO	NE	68066-4074
CLASSIC INDUSTRIAL SERVICES INC	456 HIGHLANDIA DR		BATON ROUGE	LA	70810-5906
CLASSIC PROTECTIVE COATINGS INC	N7670 STATE RD 25		MENOMONIE	WI	54751
CMC ELECTRIC INC	PO BOX 938		MARYVILLE	IL	62062-0938
CNR CONTRACTORS INC	15479 STATE HIGHWAY 15		KIMBALL	MN	55353-9788
COACH HOUSE INC	PO BOX 320		ARTHUR	IL	61911
COASTAL ENVIRONMENTAL GROUP INC	7 POLICE PLZ		POTOSI	MO	63664-1877
CODE USA LP	19785 W 12 MILE RD # 335		SOUTHFIELD	MI	48076-2584
COLCON INDUSTRIES CORPORATION	PO BOX 647		SULLIVAN	IL	61951-0647
COLUMBIA CONSTRUCTION INC	PO BOX 445		SPRING HILL	KS	66083-0445
COMBES CONSTRUCTION LLC	6925 W 206TH ST UNIT C		BUCYRUS	KS	66013-9347
COMMERCE CONSTRUCTION INC	695 N 40TH ST		SPRINGDALE	AR	72762-0602

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COMMERCIAL IRRIGATION & TURF INC	109 COMMERCIAL DR		EAST PEORIA	IL	61611-7002
COMMONWEALTH ELECTRIC COMPANY OF THE MIDWEST	3910 SOUTH ST		LINCOLN	NE	68506-5220
CONCO SERVICES CORPORATION	135 SYLVAN ST		VERONA	PA	15147-1032
CONCORD TANK CORPORATION	PO BOX 5207		CONCORD	NC	28027-1503
CONCRETE EXPRESSIONS LLC	291 E GLENN MILLER DR		CLARINDA	IA	51632-2736
CONCRETE SYSTEMS COMPANY LLC	121 EDWARDS DR		JACKSON	TN	38301-7716
CONLEY SITEWORK & UTILITIES INC	PO BOX 715		EUDORA	KS	66025-0715
CONNECTED TECHNOLOGIES LLC	PO BOX 1983		ATHENS	GA	30603-1983
CONSOLIDATED CONSTRUCTION OF MO CO INC	4300 N RICHMOND ST		APPLETON	WI	54913-9704
CONSTRUCTION DESIGNWORKS LLC	6657 WOODLAND DR		SHAWNEE	KS	66218-9745
CONSTRUCTION ENTERPRISES INC	2179 EDWARD CURD LN STE 100		FRANKLIN	TN	37067-5789
CONSTRUCTORS INCORPORATED	207 WILLARD DR		O FALLON	IL	62269-2241
CONTEGRA SERVICES LLC	22 GTWAY COMM CTR W 110		EDWARDSVILLE	IL	62025
CONTINENTAL CONSTRUCTION COMPANY OF TENNESSEE INC	5646 SHELBY OAKS DR		MEMPHIS	TN	38134-7315
CONTINENTAL POOLS INC	805 E WARREN ST		GARDNER	KS	66030-1619

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CONTRACTOR SOLUTION GROUP LLC	670 WHITE RD STE A		SPRINGDALE	AR	72762-3027
CONWAY PHILLIPS HOLDING LLC	13A TALBOT AVE		BRADDOCK	PA	15104-1113
COOPER RAIL SERVICE INC	PO BOX 199		HUNTINGBURG	IN	47542-0199
COOPERS STEEL FABRICATORS	PO BOX 149		SHELBYVILLE	TN	37162-0149
CORCO CONSTRUCTION LLC	15104 PRIDE VALLEY RD		LITTLE ROCK	AR	72223-4934
CORNERSTONE FCE SERVICES LLC	8811 TEEL PKWY UNIT 6074		FRISCO	TX	75035-4258
CORNHUSKER INSULATION LLC	2201 RIVER ROAD DR		WATERLOO	NE	68069-3407
CORRECTIVE ASPHALT MATERIALS LLC	PO BOX 87129		SOUTH ROXANA	IL	62087-7129
CORROTEC INC	1125 W NORTH ST		SPRINGFIELD	OH	45504-2713
COTTON COMMERCIAL USA INC	5443 KATY HOCKLEY CUT OFF RD		KATY	TX	77493-7008
COUNTY CONTRACTORS INC	PO BOX 3522		QUINCY	IL	62305-3522
COWIN & CO INC MINING ENGINEERS AND CONTRACTORS	PO BOX 19009		BIRMINGHAM	AL	35219-9009
CRAMER AND ASSOCIATES INC	3100 SW BROOKSIDE DR		GRIMES	IA	50111-4977
CREEK ELECTRIC INCORPORATED	2811 W PAWNEE ST		WICHITA	KS	67213-1819
CROOKHAM CONSTRUCTION LLC	PO BOX 339		TONGANOXIE	KS	66086-0339
CROWDERGULF LLC	5629 COMMERCE BLVD E		MOBILE	AL	36619-9225
CROWN CORR INC	7100 W 21ST AVE		GARY	IN	46406-2499



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CSD ENVIRONMENTAL SERVICES INC	2220 YALE BLVD		SPRINGFIELD	IL	62703-3516
CTS CONSTRUCTION INC	7275 EDINGTON DR		CINCINNATI	OH	45249-1064
CUSTOM POOL LLC	32 HOWARD DR		BELLEVILLE	IL	62223-4016
CWPMO INC	1682 LANGLEY AVE		IRVINE	CA	92614-5620
D & D INDUSTRIAL CONTRACTING INC	101 MULLEN DR		WALTON	KY	41094-9607
D & L EXCAVATING INC	1958 HIGHWAY 104		LIBERTY	IL	62347-2141
D AND R HEATING AND AIR INC	1943 LEE LN		CENTRALIA	IL	62801-8756
D5 IRON WORKS INC	18000 JEFFERSON ST		UNION	IL	60180-9440
DADE CONSTRUCTION LLC	PO BOX 4090		KANSAS CITY	KS	66104-0090
DAVACO LP	4050 VALLEY VIEW LANE	STE 150	IRVING	TX	75038
DAVIS CONSTRUCTION	2143 NE HIGHWAY 7		COLUMBUS	KS	66725-2093
DBK CONSTRUCTION AND SERVICE SOLUTIONS INC	398 S SHELL RD		DEBARY	FL	32713-1822
DECKER CONSTRUCTION INC	PO BOX 254		COFFEYVILLE	KS	67337-0254
DECKER ELECTRIC INC	4500 W HARRY ST		WICHITA	KS	67209-2736
DEFINITIVE HOME AND DESIGN INCORPORATED	1820 ORR LN		O FALLON	IL	62269-6220
DEJAGER CONSTRUCTION INC	75 60TH ST SW		WYOMING	MI	49548-5771
DELAWARE ELEVATOR INC	2210 ALLEN DR		SALISBURY	MD	21801-8059
DELTA CONCRETE AND INDUSTRIAL CONTRACTING INC	51825 GRATIOT AVE		CHESTERFIELD	MI	48051-2014

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DENHAM BLYTHE COMPANY INC	PO BOX 11636		LEXINGTON	KY	40576-1636
DENISON DRYWALL CONTRACTING INC	PO BOX 453		DENISON	IA	51442-0453
DF CHASE INC	3001 ARMORY DR STE 200		NASHVILLE	TN	37204-3711
DF OSBORNE CONSTRUCTION INC	3310 SW HARRISON ST STE 3		TOPEKA	KS	66611-2252
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST		QUINCY	IL	62301-1435
DIAMOND R INDUSTRIES INC.	351200 E 5400 RD		MARAMEC	OK	74045-1079
DIAMOND SURFACE INC	21025 COMMERCE BLVD STE 900		ROGERS	MN	55374-4697
DIECKER-TERRY MASONRY INC	11327 EIFF RD		MARISSA	IL	62257-1409
DIGI SECURITY SYSTEMS LLC	PO BOX 470708		TULSA	OK	74147-0708
DIVERSIFIED COMMERCIAL BUILDERS INC	3691 KENNESAW S INDUSTRIAL DR NW		KENNESAW	GA	30144-6513
DIVERSIFIED TRACK WORKS LLC	17671 US HIGHWAY 6		GENESEO	IL	61254-8620
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST		TOPEKA	KS	66609-1295
DM2 LLC	1209 COUNTY HIGHWAY J23		CLEARFIELD	IA	50840-8814
DMS RETAIL INTERIORS INC	120 S OLIVE AVE STE 601		WEST PALM BEACH	FL	33401-5535
DN TANKS OF MISSOURI LLC	11 TEAL RD		WAKEFIELD	MA	01880-1223
DON ERBERT LLC	220 N HOLIDAY LN		IOLA	KS	66749-1522
DON JULIAN BUILDERS INC	15521 W 110TH ST		LENEXA	KS	66219-1317

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DONALD FITZGERALD	PO BOX 817		MANSON	IA	50563-0817
DOTSON ELECTRIC COMPANY INC	551 CAL BATSEL RD		BOWLING GREEN	KY	42104-8520
DS ELECTRIC LLC	5336 KNOX ST		MERRIAM	KS	66203-2066
DTLS INCORPORATED	PO BOX 1615		BERNALILLO	NM	87004-1615
DUBUQUE BARGE AND FLEETING SERVICE COMPANY	5 JONES ST		DUBUQUE	IA	52001-7674
DUERSON INC	601 1ST AVE N		ALTOONA	IA	50009-1431
DUININCK INC	PO BOX 208		PRINSBURG	MN	56281-0208
DUN TRANSPORTATION & STRINGING INC	304 REYNOLDS LN		SHERMAN	TX	75092-6839
DUNK FIRE & SECURITY INC	3446 WAGON WHEEL RD		SPRINGDALE	AR	72762-0115
DYKON BLASTING CORP	8120 W 81ST ST		TULSA	OK	74131-2876
DZI CONSTRUCTION INC	9675 NORTHWEST CT		CLARKSTON	MI	48346-1744
E80 PLUS CONSTRUCTORS LLC	7120 PATTON RD		DEFOREST	WI	53532-1836
EBERHART SIGN & LIGHTING CO	104 1ST AVE		EDWARDSVILLE	IL	62025-2574
EBERT CONSTRUCTION CO INC	PO BOX 198		WAMEGO	KS	66547-0198
EBM CONSTRUCTION INC	1014 SHERWOOD RD		NORFOLK	NE	68701-9060
ECKINGER CONSTRUCTION COMPANY	2340 SHEPLER CHURCH AVE SW		CANTON	OH	44706-3093
ECLIPSE COMPANIES LLC	11554 WASHINGTON ST		CHAGRIN FALLS	OH	44023-9213
EDNA LUMBER CO INC	PO BOX 820		EDNA	TX	77957-0820

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ELECTRA LINK INC	21755 INTERSTATE 45 BLDG 10		SPRING	TX	77388-3621
ELECTRICO INC	7706 WAGNER RD		MILLSTADT	IL	62260-2910
ELECTRICOMM INC	PO BOX 8324		TOPEKA	KS	66608-0324
ELECTROMAGNETIC SHIELDING INC.	115 JULIAD CT STE 103		FREDERICKSBURG	VA	22406-1100
ELEVATOR SAFETY INSPECTION SERVICES INC	415 N MCKINLEY ST STE 685		LITTLE ROCK	AR	72205-3010
ELLIOTT ELECTRICAL INC	22095 INTERSTATE 30 S		BRYANT	AR	72022-8581
ELLSWORTH ELECTRIC INC	4425 N HIGHWAY 81		DUNCAN	OK	73533-8950
EMBREE CONSTRUCTION GROUP INC OF TEXAS	4747 WILLIAMS DR		GEORGETOWN	TX	78633-3799
EMCO CHEMICAL DISTRIBUTORS INC	8601 95TH ST		PLEASANT PR	WI	53158-2205
EMERALD TRANSFORMER PPM LLC	PO BOX 3070		MCKINNEY	TX	75070-8182
EMJ CORPORATION	2034 HAMILTON PLACE BLVD STE 400		CHATTANOOGA	TN	37421-6102
ENCOMPASS IDBO LLC	10551 BARKLEY ST STE 502		OVERLAND PARK	KS	66212-1820
ENERGY ERECTORS INC	31588 PROGRESS RD		LEESBURG	FL	34748-8781
ENERTECH RESOURCES LLC	1820 WATSON LN E		NEW BRAUNFELS	TX	78130-7272
ENGELKE CONSTRUCTION SOLUTIONS LLC	2927 NATIONWIDE PKWY		BRUNSWICK	OH	44212-2365
ENGINEERED FLUID INC	PO BOX 723		CENTRALIA	IL	62801-9111
ENGINEERED STRUCTURES INC	3330 E LOUISE DR STE 300		MERIDIAN	ID	83642-5123
ENGLEWOOD CONSTRUCTION INC	80 MAIN ST		LEMONT	IL	60439-3622

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ENVIROCON INC	PO BOX 16655		MISSOULA	MT	59808-6655
EPCS COMPANY	1241 S 31ST ST W		BILLINGS	MT	59102-7314
EPOXY KC LLC	PO BOX 861253		SHAWNEE	KS	66286-1253
ERV SMITH SERVICES INC	1225 TRUAX BLVD		EAU CLAIRE	WI	54703-1468
ESSI LLC	1400 W SHADY GROVE RD		GRAND PRAIRIE	TX	75050-7117
EVCO NATIONAL	PO BOX 407		EAST ALTON	IL	62024-0407
EVERGREEN CAISSONS INC.	PO BOX 172109		DENVER	CO	80217-2109
F & M CONTRACTORS INC	PO BOX 149		CLAYTON	OH	45315-0149
F L CRANE & SONS INC	PO BOX 428		FULTON	MS	38843-0428
FABCOR INC	350 S OHIO ST		MINSTER	OH	45865-1272
FAHRNER ASPHALT SEALERS L.L.C.	2800 MECCA DR		PLOVER	WI	54467-3224
FALL ZONE CONSTRUCTION LLC	18601 GREENE ST		WASHINGTON	NE	68068-4000
FARABEE MECHANICAL INC	PO BOX 1748		HICKMAN	NE	68372-1748
FAUGHN ELECTRIC INC	5980 OLD MAYFIELD RD		PADUCAH	KY	42003-9296
FEDERAL FIRE AND SECURITY LLC	PO BOX 1782		OWENSBORO	KY	42302-1782
FEDERAL STEEL & ERECTION CO	PO BOX 238		EAST ALTON	IL	62024-0238
FICKETT STRUCTURAL SOLUTIONS INC	3148 DEMING WAY STE 160		MIDDLETON	WI	53562-1486
FIRE & SECURITY SOLUTIONS GROUP INC	11240 STRANG LINE RD		LENEXA	KS	66215-4039
FIRELAKE CONSTRUCTION INC	1011 E 31ST ST		LAWRENCE	KS	66046-5103

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FIRELINE SPRINKLER LLC	1329 W GRAND AVE STE 1A		PORT WASHINGTON	WI	53074-2010
FISHER SMITH INC	1564 HILL TOP RD		COLUMBIA	IL	62236-4536
FLAME ON INC	12632 WAGNER RD		MONROE	WA	98272-9732
FLEETWOOD SERVICES LLC	4311 WILLOW ST		DALLAS	TX	75226-1131
FLORIDA INSTITUTE OF TECHNOLOGY INC	150 W UNIVERSITY BLVD		MELBOURNE	FL	32901-6975
FOOD SERVICE RENOVATIONS INC.	PO BOX 870069		MORROW	GA	30287-0069
FORD AUDIO VIDEO SYSTEMS LLC	4800 W I 40 SERVICE RD		OKLAHOMA CITY	OK	73128-1208
FORT SMITH STRUCTURAL INC	PO BOX 180249		FORT SMITH	AR	72918-0249
FOSTER ROOFING INC	3357 WAGON WHEEL RD		SPRINGDALE	AR	72762-0106
FOUNDATION SERVICE CORP	PO BOX 120		HUDSON	IA	50643-0120
FRANCIS ENERGY LLC	1924 E 6TH ST		TULSA	OK	74104-3242
FRANK W SCHAEFER INC	1300 GRANGE HALL RD		BEAVERCREEK	OH	45430-1013
FREEDOM CONCRETE LLC	PO BOX 731		DE SOTO	KS	66018-0731
FREEDOM FIRE PRO LLC	811 LESTER LN		ROGERS	AR	72756-9814
FRONTIER AG INC	PO BOX 998		GOODLAND	KS	67735-0998
FRONTIER BUILDING CORP	2950 SW 27TH AVE STE 300		MIAMI	FL	33133-3765
FRONTIER MECHANICAL LC	PO BOX 71487		SALT LAKE CTY	UT	84171-0487
FRONTZ DRILLING INC	2031 MILLERSBURG RD		WOOSTER	OH	44691-9460
FSG FACILITY SOLUTIONS GROUP INC	4401 W GATE BLVD STE 310		AUSTIN	TX	78745-1494

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FULCRUM EXPRESS INC	1945 THE EXCHANGE SE STE 400		ATLANTA	GA	30339-2090
FULSOM BROTHERS INC	PO BOX 522		CEDAR VALE	KS	67024-0522
FULTON TECHNOLOGIES INC	1430 BRADLEY LN STE 196		CARROLLTON	TX	75007-4952
FUSION PROS LLC	24434 240TH ST		SLEEPY EYE	MN	56085-5056
G & L TANK SANDBLASTING AND COATINGS LLC	2101 HIGHWAY 64 W		SHELBYVILLE	TN	37160-6328
G B CONSTRUCTION LLC	PO BOX 1305		LOUISBURG	KS	66053-1305
G.A. RICH & SONS INC	PO BOX 50		DEER CREEK	IL	61733-0050
G4CM LLC	12903 PIONEER TRL		EDEN PRAIRIE	MN	55347-4112
GALA SYSTEMS INC	3185 FIRST STREET		ST HUBERT CANADA	QC	J3Y 8Y6
GALLAGHER ASPHALT CORPORATION	18100 INDIANA AVE		THORNTON	IL	60476-1276
GARRISON PLUMBING INC	15430 S MAHAFFIE ST		OLATHE	KS	66062-2755
GATOR SIGN COMPANY INC	1027 KAREY ANDREWS RD		MCCOMB	MS	39648-9446
GAYLOR ELECTRIC INC	5750 CASTLE CREEK PARKWAY NORTH DR STE 400		INDIANAPOLIS	IN	46250-4337
GELLY EXCAVATING & CONSTRUCTION INC	13297 PLOCHER WAY		HIGHLAND	IL	62249-4543
GEMCO CONSTRUCTORS LLC	6525 GUION RD		INDIANAPOLIS	IN	46268-4808
GEOSTABILIZATION INTERNATIONAL LLC	4475 E 74TH AVE STE A		COMMERCE CITY	CO	80022-1494
GERALD N CANDITO CONSTRUCTION CORP	3580 CANTRELL INDUSTRIAL CT NW		ACWORTH	GA	30101-6401
GERARD TANK & STEEL INC	PO BOX 513		CONCORDIA	KS	66901-0513

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GERARDO OLAGUE-MARTINEZ	2241 S TERRACE DR		WICHITA	KS	67218-5027
GIBRALTAR CONSTRUCTION COMPANY INC	42 HUDSON ST STE A207		ANNAPOLIS	MD	21401-8537
GIBSON TECHNICAL SERVICES INC	230 MOUNTAIN BROOK CT		CANTON	GA	30115-9019
GIFFIN INC	1900 BROWN RD		AUBURN HILLS	MI	48326-1701
GLASS DESIGN INC	PO BOX 568		SAPULPA	OK	74067-0568
GLEESON ASPHALT INC	2800 W MAIN ST		BELLEVILLE	IL	62226-6612
GLOBAL EMPIRE LLC	115 OVERLOOK RD		POMONA	NY	10970-2118
GLOBAL SCAFFOLDING & INSULATION LLC	14115 E APACHE ST		TULSA	OK	74116-1410
GOETTLE EQUIPMENT COMPANY	12071 HAMILTON AVE		CINCINNATI	OH	45231-1032
GOLDEN SANDS GENERAL CONTRACTORS INC	800 S DOUGLAS RD		CORAL GABLES	FL	33134-3125
GOODART CONSTRUCTION INC	26685 WAVERLY RD		PAOLA	KS	66071-4135
GOOLSBY INC	3002 W MAIN ST		BLYTHEVILLE	AR	72315-8600
GORDON ENERGY AND DRAINAGE COMPANY	15735 S MAHAFFIE ST		OLATHE	KS	66062-4038
GRANITE TRANSFORMATIONS	14125 MARSHALL DR		LENEXA	KS	66215-1300
GRAZZINI BROTHERS & COMPANY	1175 EAGAN INDUSTRIAL RD		EAGAN	MN	55121-1205
GREAT LAKES CONCRETE PRODUCTS LLC	4555 134TH AVE		HAMILTON	MI	49419-8579
GREAT PLAINS STRUCTURES LLC	3301 LABORE RD		SAINT PAUL	MN	55110-5149



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GREENSCAPE POOLS AND LANDSCAPING LLC	887 S NEUNABER DR		BETHALTO	IL	62010-2163
GREYTHON CONSTRUCTION LLC	31 WATER ST		MYSTIC	CT	06355-2568
GRIFFIN CONTRACT DEWATERING LLC	5306 CLINTON DR		HOUSTON	TX	77020-7912
GROOM CONSTRUCTION CO INC	96 SWAMPSCOTT RD		SALEM	MA	01970-1795
GUS CONST CO INC	PO BOX 77		CASEY	IA	50048-0077
GUSTAFSON & GOUDGE INC	PO BOX 28		CLEARBROOK	MN	56634-0028
GUY ROOFING INC	201 JONES RD		SPARTANBURG	SC	29307-5424
GYPSUM FLOORS OF AR OK INC	PO BOX 1707		MULDROW	OK	74948-1707
H & D UNDERGROUND INC	24434 240TH ST		SLEEPY EYE	MN	56085-5056
H & H SYSTEMS & DESIGN INC	135 W MARKET ST		NEW ALBANY	IN	47150-3561
H & M INDUSTRIAL SERVICES INC	PO BOX 200		JACKSON	TN	38302-0200
H AND M CONSTRUCTION CO INC	PO BOX 200		JACKSON	TN	38302-0200
HABASIT AMERICA INC	2670 LEISCZS BRIDGE RD UNIT 200		LEESPORT	PA	19533-9433
HABCO INC	248 E BERG RD		SALINA	KS	67401-8907
HALEY CONSTRUCTION INC	9 AVIATOR WAY		ORMOND BEACH	FL	32174-2983
HALL CONTRACTING OF KENTUCKY INC	PO BOX 37270		LOUISVILLE	KY	40233-7270
HAMON CUSTODIS INC	PO BOX 1500		SOMERVILLE	NJ	08876-1251
HANNA DESIGN GROUP INC	1955 W DOWNER PL		AURORA	IL	60506-4384

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HANSEN RICE INC	1717 E CHISHOLM DR		NAMPA	ID	83687-6846
HARCO SERVICES LLC	PO BOX 2347		KENNESAW	GA	30156-9105
HAROLD COFFEY CONSTRUCTION CO INC	P.O. BOX 300		HICKMAN	KY	42050
HARVEY NASH INC	1700 STATE ROUTE 23 STE 100		WAYNE	NJ	07470-7529
HASTCO INC	2801 NW BUTTON RD		TOPEKA	KS	66618-1457
HAWKEYE INSULATION SPECIALISTS INC	755 64TH AVENUE CT SW STE A		CEDAR RAPIDS	IA	52404-7001
HD PAINTING AND STAIN LLC	1201 STATE STREET RD		BELLEVILLE	IL	62220-2855
HEADWATERS CONSTRUCTION COMPANY	639 W 9500 S STE 1		VICTOR	ID	83455-5408
HEAFNER CONSTRUCTION AND REMODELING LLC	3 ROSE CT		JERSEYVILLE	IL	62052-2056
HEALY CONSTRUCTION SERVICES INC	14000 KEELER AVE		CRESTWOOD	IL	60418-2352
HEIDELBERG ENGINEERING INC	10 FORGE PKWY STE 1		FRANKLIN	MA	02038-3137
HEINEN CUSTOM OPERATIONS INC	PO BOX 182		VALLEY FALLS	KS	66088-0182
HEINTZ POOL & SPA COMPANY	453 MARKETPLACE DR		FREEBURG	IL	62243-4076
HICKEY CONTRACTING COMPANY	PO BOX 68		KEOKUK	IA	52632-0068
HIGH CONCRETE GROUP LLC	PO BOX 10008		LANCASTER	PA	17605-0008
HIGHLAND STEEL ERECTORS INC	PO BOX 590		HELENWOOD	TN	37755-0590
HIGHWAY SIGNING INC	3250 16TH AVE		COUNCIL BLUFFS	IA	51501-7039

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HILLARD ELECTRIC INC	4099 CEDAR COMMERCIAL DR NE		CEDAR SPRINGS	MI	49319-8296
HILLIS CONTRACTING & BUILDING LLC	702 RAMONA PL		GODFREY	IL	62035-2544
HINDERLITER CONSTRUCTION INC	3601 N SAINT JOSEPH AVE		EVANSVILLE	IN	47720-1351
HOFFMANN SILO CORPORATION	6001 49TH ST S		MUSCATINE	IA	52761-1153
HOHL INDUSTRIAL SERVICES INC	770 RIVERVIEW BLVD		TONAWANDA	NY	14150-7880
HOLLAND CONSTRUCTION SERVICES INC.	4495 N ILLINOIS ST STE E		SWANSEA	IL	62226-1005
HOME CENTER CONSTRUCTION INC	420 W ATKINSON RD		PITTSBURG	KS	66762-8634
HOPCO CONSTRUCTION	PO BOX 9008		OMAHA	NE	68109-0008
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN		FT WORTH	TX	76116-6444
HORIZONTAL BORING & TUNNELING CO	PO BOX 429		EXETER	NE	68351-0429
HOWARD IMMEL INC	1820 RADISSON ST		GREEN BAY	WI	54302-2057
HUEGERICH CONSTRUCTION INC	PO BOX 891		GRETNA	NE	68028-0891
HUTTON CONTRACTING CO INC	1600 CLIFTY HWY		HINDSVILLE	AR	72738-9167
HYDRA-LUBE	PO BOX 16565		LAKE CHARLES	LA	70616-6565
HYDRO TECHNOLOGIES INC	6200 E HIGHWAY 62 UNIT 100		JEFFERSONVILLE	IN	47130-8769
HYDROCHEM LLC	900 GEORGIA AVE		DEER PARK	TX	77536-2518

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ICON INDUSTRIAL SERVICES LLC	50 50TH AVENUE DR SW		CEDAR RAPIDS	IA	52404
IDEAL BUILDING SOLUTIONS LLC	6753 Jones Mill Ct Ste F		Norcross	GA	30092-4379
IDEAL BUSINESS SOLUTIONS LLC	31 BOLAND CT		GREENVILLE	SC	29615-5730
IES COMMUNICATIONS LLC	5433 WESTHEIMER RD STE 500		HOUSTON	TX	77056-5339
ILLINI DRILLED FOUNDATIONS INC	PO BOX 1351		DANVILLE	IL	61834-1351
IMPACT INSTALLATIONS INC	10091 STREETER RD STE 7		AUBURN	CA	95602-8512
IMPERIAL CRANE SERVICES INC	7500 IMPERIAL DR		BRIDGEVIEW	IL	60455-2395
INDUSTRIAL INSULATION SERVICES INC	2200 W 6TH AVE		EL DORADO	KS	67042-3166
INDUSTRIAL MAINTENANCE OF TOPEKA INC	4501 NW US HIGHWAY 24		TOPEKA	KS	66618-3809
INDUSTRIAL PLANT SERVICES NATIONAL LLC	51410 MILANO DR STE 110		MACOMB	MI	48042-4015
INDUSTRIAL ROOFING & CONSTRUCTION LLC	1128 HIGHWAY 2		STERLINGTON	LA	71280-3066
INDUSTRIAL STEEL ERECTORS INC	2728 N CLARK ST		DAVENPORT	IA	52804-1300
INDUSTRY SERVICES CO INC	6265 RANGELINE RD		THEODORE	AL	36582-5245
INGRAM CONSTRUCTION COMPANY INC OF MADISON MISSISS	PO BOX 1609		MADISON	MS	39130-1609
INNOVATIVE COMBUSTION TECHNOLOGIES INC	10 COMMERCE DR		PELHAM	AL	35124-1847

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INNOVATIVE CONSTRUCTION SOLUTIONS INC	21675 GATEWAY RD		BROOKFIELD	WI	53045-5137
INNOVATIVE INSTALLATION SERVICES INC	6320 W BRUNS ROAD		MONEE	MO	60401
INSULATION TECHNOLOGIES INC	2007 BUTTON LN		LA GRANGE	KY	40031-8726
INTEGRATED ENVIRONMENTAL SERVICES INC	PO BOX 490815		BLAINE	MN	55449-0815
INTERCON CONSTRUCTION INC	5512 STATE ROAD 19 AND 113		WAUNAKEE	WI	53597-9530
INTERNATIONAL CONTRACTORS INC	977 S IL ROUTE 83		ELMHURST	IL	60126-4966
INTERNATIONAL RIGGING GROUP LLC	955 E MLK JR DR # E		TARPON SPRINGS	FL	34689
INTERNATIONAL STRAIGHTENING INC	1218 HORSEMAN PL		BISMARCK	ND	58501-7789
INTERNATIONAL TOWERS LLC	117 S LEXINGTON ST # 100		HARRISONVILLE	MO	64701-2444
INTERSTATE GRINDING LLC	5505 E EL DELMO ST		GARDEN CITY	KS	67846-9632
INTERSTATE RESTORATION MISSOURI LLC	3401 QUORUM DR STE 300		FORT WORTH	TX	76137-3621
INTEX CONSTRUCTION LLC	3802 N 135TH ST W		MAIZE	KS	67101-9535
IOWA CIVIL CONTRACTING INC	1106 3RD ST		VICTOR	IA	52347-7722
IOWA TRENCHLESS LC	PO BOX 846		PANORA	IA	50216-0846
J & D CONSTRUCTION INC	PO BOX 446		MONTEVIDEO	MN	56265-0446
J HAWK PLUMBING INC	3615 W MAPLE ST		WICHITA	KS	67213-2453

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J P CULLEN & SONS INC	PO BOX 5957		JANESVILLE	WI	53547-5957
J WILKINSON INC	2964 PETTICOAT JUNCTION LN		GLEN CARBON	IL	62034-3265
JA WEVER CONSTRUCTION LLC	PO BOX 1802		NORTH PLATTE	NE	69103-1802
JACK A FARRIOR INC	9585 US 264A		FARMVILLE	NC	27828-9548
JACK R GAGE REFRIGERATION INC	700 W 1700 S BLDG 29104		LOGAN	UT	84321-6541
JACKOVIC CONSTRUCTION COMPANY LLC	300 MOUNT LEBANON BLVD STE 211A		PITTSBURGH	PA	15234-1534
JACKSON DEAN CONSTRUCTION INC	19835 SE 248TH ST		MAPLE VALLEY	WA	98038-8769
JACOBS GROUP GENERAL CONTRACTORS INC	3515 MATTINGLY RD		BUCKNER	KY	40010-8801
JACOBS LADDER INC	2325 COBDEN SCHOOL RD		COBDEN	IL	62920-3489
JAG BUILDING GROUP INC	5227 SW 27TH PL		CAPE CORAL	FL	33914-6639
JAKES ELECTRIC LLC	207 ALLEN ST		CLINTON	WI	53525-9498
JAMES AGRESTA CARPENTRY	150 ENGLISH ST		HACKENSACK	NJ	07601-3937
JAMES HUNT CONSTRUCTION CO INC	1865 SUMMIT RD		CINCINNATI	OH	45237-2803
JAMES N GRAY CONSTRUCTION CO INC	PO BOX 8330		LEXINGTON	KY	40533-8330
JANET MARSHALL CONSTRUCTION INC	10245 LOCUST MOUNTAIN RD		MOUNTAINBURG	AR	72946-3308
JANSEN ELECTRIC COMPANY	4421 N 60TH ST		QUINCY	IL	62305-0640
JARRETT INDUSTRIES INC	PO BOX 87189		SOUTH ROXANA	IL	62087-7189

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JASON TANKING CONSTRUCTION LLC	PO BOX 3969		LAWRENCE	KS	66046-0969
JAYEFF CONSTRUCTION CORPORATION	1800 STATE ROUTE 34 STE 403		WALL TOWNSHIP	NJ	07719-9167
JB HOLLAND CONSTRUCTION INC.	2092 HWY 9 W		DECORAH	IA	52101
JC TOLAND PAINTING L.L.C.	397 NW 43RD PL		DES MOINES	IA	50313-2733
JE SYSTEMS INC	PO BOX 6246		FORT SMITH	AR	72906-6246
JED INSTALLATION LLC	2722 N 155TH ST		BASEHOR	KS	66007-9253
JESCO INC	2020 MCCULLOUGH BLVD		TUPELO	MS	38801-7108
JETTON GENERAL CONTRACTING INC	215 UNION ST # 400		JONESBORO	AR	72401-2814
JETT'S MECHANICAL LLC	913 PARK AVE		PADUCAH	KY	42001-7056
JF BRENNAN COMPANY INC	PO BOX 2557		LA CROSSE	WI	54602-2557
JIM RIVER FENCING LLC	45275 299TH ST		IRENE	SD	57037-6002
JM SERVICES INC	5610 INTERSTATE AVE		BILLINGS	MT	59101-6318
JOE MARTIN STEEL LLC	PO BOX 89		BERRYVILLE	MO	42616
JOE R JONES CONSTRUCTION INC	PO BOX 873		WEATHERFORD	TX	76086-0873
JOHN A PAPALAS & CO INC	1187 EMPIRE AVE		LINCOLN PARK	MI	48146-2099
JOHN E GREEN COMPANY	220 VICTOR ST		HIGHLAND PARK	MI	48203-3116
JOHN P DUFFY CONSTRUCTION COMPANY INC	13220 METCALF AVE STE 365		OVERLAND PARK	KS	66213-2844
JOHN R LOGAN ENTERPRISES INC	11550 S MAIN ST		TRENTON	GA	30752-2833

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JOLLY ROOFING AND CONTRACTING CO INC	711 CHANEY CV		COLLIERVILLE	TN	38017-2993
JORDY & COMPANY	1212 S BROADWAY STE 100		DENVER	CO	80210-1584
JRCT INCORPORATED	2098 TOM AUSTIN HWY		GREENBRIER	TN	37073-5192
JT BUILD LLC	102 MILLERSBURG RD		POCAHONTAS	IL	62275
JUN CONSTRUCTION CO. INC.	PO BOX 263		GODFREY	IL	62035-0263
JVR CONSTRUCTION COMPANY INC	4700 E 53RD ST		DAVENPORT	IA	52807
KADILEX CONSTRUCTION INC	PO BOX 348		WOOD RIVER	IL	62095-0348
KAISER ELECTRICAL CONTRACTORS INC	340 ERIE AVE		MORTON	IL	61550-9600
KALMAN FLOOR COMPANY	1680 E 69TH AVE		DENVER	CO	80229-7327
KAMADULSKI EXCAVATING & GRADING CO INC	4336 HIGHWAY 162		GRANITE CITY	IL	62040-6409
KANE FIRE PROTECTION INC	170 E ALTON AVE		EAST ALTON	IL	62024-1443
KANE MECHANICAL LLC	170 E ALTON AVE		EAST ALTON	IL	62024-1443
KANSAS DUSTROL INC	PO BOX 308		TOWANDA	KS	67144-0308
KANSAS TURF LLC	601 E WYANDOTTE ST		MERIDEN	KS	66512-9169
KANTEX INDUSTRIES INC	1320 S HAMILTON CIR		OLATHE	KS	66061-7241
KARR TUCKPOINTING LLC	PO BOX 417		VINTON	IA	52349-0417
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD		SAVANNA	IL	61074-8636
KBS CONSTRUCTORS INC	1701 SW 41ST ST		TOPEKA	KS	66609-1252
KC ELECTRICAL CONTRACTORS LLC	7312 LEISURELY DR		EFFINGHAM	KS	66023-5041



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KEA CONSTRUCTORS LLC	PO BOX M		MILFORD	NE	68405-0623
KEELEY & SONS INC	6303 COLLINSVILLE RD		E SAINT LOUIS	IL	62201-2523
KEEN COMPANY INC	PO BOX 2143		INDIANAPOLIS	IN	46206-2143
KEN CRANE	311 E BOOTH ST		TAMPICO	IL	61283-7793
KENDALL CONSTRUCTION INC	2551 NW BUTTON RD		TOPEKA	KS	66618-1411
KENDREK ELECTRIC INC	PO BOX 9411		WICHITA	KS	67277-0411
KIMCO USA INC	118 E TREFZ DR		MARSHALL	IL	62441-3974
KING MECHANICAL CONTRACTORS INC	PO BOX 16608		CHATTANOOGA	TN	37416-0608
KING OF TEXAS ROOFING COMPANY LP	307 GILBERT CIR		GRAND PRAIRIE	TX	75050-6579
KINLEY CONSTRUCTION GROUP LP	7301 COMMERCIAL BLVD E		ARLINGTON	TX	76001-7149
KINZLER CONSTRUCTION SERVICES INC	700 SE ORALABOR RD		ANKENY	IA	50021-5616
KIRK CONCRETE CONSTRUCTION INC	640 CENTRAL EXPY		MELISSA	TX	75454-2230
KIRK GROSS COMPANY	PO BOX 2097		WATERLOO	IA	50704-2097
KLAVER CONSTRUCTION COMPANY INC	PO BOX 9163		WICHITA	KS	67277-0163
KLM ENGINEERING INCORPORATED	1976 WOODDALE DR STE 4		WOODBURY	MN	55125-4359
KNUTSON BROTHERS INC	PO BOX 353		REDWOOD FALLS	MN	56283-0353
KORTE & LUITJOHAN CONTRACTORS INC	12052 HIGHLAND RD		HIGHLAND	IL	62249-1342
KOSS CONSTRUCTION COMPANY	PO BOX 751263		TOPEKA	KS	66675-1263

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KOVILIC CONSTRUCTION COMPANY INC.	PO BOX 939		FRANKLIN PARK	IL	60131-0939
KRAEMER NORTH AMERICA LLC	PO BOX 220		PLAIN	WI	53577-0220
KRIEWALD ENTERPRISES LLC	1310 COLUMBUS ST		OTTAWA	MO	63135
KRUSE CONTRACTING INC	4374 G RD		WATERLOO	IL	62298-3806
KRUSE CORPORATION	8971 GREEN VALLEY DR UNIT 1		MANHATTAN	KS	66502-9008
KRYSTAL COMPANIES LLC	6830 W 152ND TER		OVERLAND PARK	KS	66223-3127
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD DR # 100		MENOMONEE FLS	WI	53051-5656
KVK CONTRACTING INC	727 WESLEY AVE STE 1		TARPON SPGS	FL	34689-6757
L6 INC	PO BOX 1957		BROKEN ARROW	OK	74013-1957
LA MACCHIA GROUP LLC	157 N MILWAUKEE ST		MILWAUKEE	WI	53202-6012
LAFORGE & BUDD CONSTRUCTION COMPANY INC	PO BOX 833		PARSONS	KS	67357-0833
LAKEVIEW CONSTRUCTION LLC	10505 CORPORATE DR STE 200		PLEASANT PRAIRIE	WI	53158-1605
LAND ART LANDSCAPING INC	12429 HOWE DR		LEAWOOD	KS	66209-1451
LANGHAUSER SHEET METAL CO	120 MATTER DR		HIGHLAND	IL	62249-1271
LANHAM INSULATION INC	40 KINGBROOK PKWY STE 4		SIMPSONVILLE	KY	40067
LARSON HARVESTING INC	447 SUNFLOWER RD		WATERVILLE	KS	66548-8904
LATSHAW DRILLING COMPANY LLC	PO BOX 691017		TULSA	OK	74169-1017

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LAVORO SERVICES CORP	4415 HARRISON ST STE 402		HILLSIDE	IL	60162-1906
LE DAVIS CONSTRUCTION INC	212 COY ST		HARRISON	AR	72601-4004
LEE MACHINERY MOVERS INC.	675 CESAR E CHAVEZ AVE		PONTIAC	MI	48340-2459
LEICK CONSTRUCTION INC	22027 221ST ST		GLENWOOD	IA	51534-5389
LEJAS CORPORATION	6202 S MAPLE AVE		TEMPE	AZ	85283-2861
LEROY C BOWMAN	308 FAWN PARK CIR		COUNCIL BLFS	IA	51503-5465
LEXICON INC	PO BOX 16390		LITTLE ROCK	AR	72231-6390
LIGHTNING FOUNDATIONS INC	1209 COUNTY HIGHWAY J23		CLEARFIELD	IA	50840-8814
LIGHTNING PROTECTION SYSTEMS LLC	PO BOX 540445E		N SALT LAKE	UT	84054-0445
LOCKE AMI LLC	8802 N MERIDIAN ST		INDIANAPOLIS	IN	46260-5380
LOELLKE PLUMBING INC	22974 E COUNTY RD		JERSEYVILLE	IL	62052-3174
LOGAN & COMPANY INC	816 E 10TH ST		COFFEYVILLE	KS	67337-7300
LONE STAR RAILROAD CONTRACTORS INC	PO BOX 1150		ENNIS	TX	75120-1150
LONGS DRILLING SERVICE INC	10554 HIGHWAY 392 W		HARRISON	AR	72601-7771
LOTEMP EQUIPMENT COMPANY	8707 N 29TH ST		OMAHA	NE	68112-1848
LOUISIANA CHEMICAL DISMANTLING CO INC	24 27TH ST		KENNER	LA	70062-4904
LOVARIO PLUMBING LLC	15299 N CEDAR GROVE RD		LEAD HILL	AR	72644-9490
LOYD BUILDERS INC	PO BOX 266		OTTAWA	KS	66067-0266
LR MOURNING CO	2230 COTTONDALE LN STE 5		LITTLE ROCK	AR	72202-2048

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LSX CONSTRUCTION LLC	34605 W 255TH ST		PAOLA	KS	66071-4213
LYNN ELECTRIC & COMMUNICATIONS INC.	725 N 2ND ST STE K		LAWRENCE	KS	66044-1442
M & J ELECTRIC OF WICHITA LLC	1444 S SAINT CLAIR AVE BLDG D		WICHITA	KS	67213-2938
M & L ELECTRICAL INC	6060 SCOTTSVILLE RD		BOWLING GREEN	KY	42104-0388
M & W CONTRACTORS INC	PO BOX 2510		EAST PEORIA	IL	61611-0510
MAC INDUSTRIAL SERVICES INC.	604 N MAIN ST	STE 1	ROCHELLE	IL	61068
MACHINE REPAIR INTERNATIONAL	1300 OLIVER RD STE 240		FAIRFIELD	CA	94534-3428
MACON GC LLC	201 BONITA AVE		BRADFORD	IL	61421-5305
MAGNUM ELECTRIC OF MISSOURI INC	471 CHRISTIANSON DR		WEST FARGO	ND	58078-8304
MAHANAY GROUP INC	2822 N MEAD ST		WICHITA	KS	67219-4241
MAJOR REFRIGERATION CO INC	314 W NORTHWESTERN AVE		NORFOLK	NE	68701-6404
MALCOLM DRILLING COMPANY INC	92 NATOMA ST STE 400		SAN FRANCISCO	CA	94105-2685
MANAGEMENT RESOURCE SYSTEMS INC	1907 BAKER RD		HIGH POINT	NC	27263-2007
MANATTS INC	PO BOX 535		BROOKLYN	IA	52211-0535
MAR LAN CONSTRUCTION LC	1008 NEW HAMPSHIRE ST		LAWRENCE	KS	66044-3060
MARC JONES CONSTRUCTION LLC	22171 MCH RD		MANDEVILLE	LA	70471-7774
MATHIS EXCAVATING INC	527 QUILLMAN RD		DU QUOIN	IL	62832-4102

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MATTCO GENERAL CONTRACTORS INC	PO BOX 98		ZIONSVILLE	IN	46077-0098
MAX TRUE FIREPROOFING CO	PO BOX 1029		JENKS	OK	74037-1029
MAYHEWS MECHANICAL COMMERCIAL REFRIGERATION INC	PO BOX 17955		N LITTLE ROCK	AR	72117-0955
MC ELECTRIC INC	7648 LL RD		RED BUD	IL	62278-2522
MCAFEE HENDERSON SOLUTIONS INC	PO BOX 397		OSKALOOSA	KS	66066-0397
MCP BUSINESS SOLUTIONS INC	3501 SW FAIRLAWN RD STE 100		TOPEKA	KS	66614-3975
MCSHANE CONSTRUCTION COMPANY LLC	9550 W HIGGINS RD STE 200		ROSEMONT	IL	60018-4906
ME MECHANICAL INC	2501 ELLINGTON RD		QUINCY	IL	62305-8828
MECHANICAL CONSTRUCTION SERVICES INC	PO BOX 335		NEWARK	AR	72562-0335
MEYER CONTRACTING AND CONSTRUCTION INC	11000 93RD AVE N		MAPLE GROVE	MN	55369-4113
MEYLAN INDUSTRIAL SERVICES INC	3919 S 147TH ST STE 124		OMAHA	NE	68144-5579
MICHIGAN COMMERCIAL CONTRACTORS INC	16745 COMSTOCK ST		GRAND HAVEN	MI	49417-7949
MID AMERICA MILLING COMPANY LLC	6200 E HIGHWAY 62 UNIT 100		JEFFERSONVILLE	IN	47130-8769
MID AMERICA PIPELINE CONSTRUCTION INC	PO BOX 1830		CATOOSA	OK	74015-1830
MID SOUTH INDUSTRIAL INC	PO BOX 609		BELLS	TN	38006-0609
MID STATES INDUSTRIAL INC	519 SHIPYARD RD		SENECA	IL	61360-9203

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MIDLAND RESTORATION COMPANY INC	PO BOX 247		FORT SCOTT	KS	66701-0247
MIDWEST COATING INC	3830 NW 16TH ST		TOPEKA	KS	66618-2846
MIDWEST CONSTRUCTION PARTNERS INC	1300 E WOODFIELD RD STE 150		SCHAUMBURG	IL	60173-4928
MIDWEST COOLING TOWERS INC	1156 E HIGHWAY 19		CHICKASHA	OK	73018-6347
MIDWEST CUSTOM POOLS LLC	600 LINCOLN ST		LAWRENCE	KS	66044-5349
MIDWEST LIQUID SYSTEMS INC	1414 21ST AVE	PO BOX 71	ELDORA	IA	50627-1914
MIDWEST MECHANICAL INDUSTRIAL SERVICES	PO BOX 164		LOGAN	IA	51546-0164
MIDWEST MOLE INC	6814 W 350 N		GREENFIELD	IN	46140-9617
MIDWEST MOWING INC	2450 OWENS LN		BRIGHTON	IL	62012-1550
MIDWEST PETROLEUM EQUIPMENT LLC	2255 S 7TH ST		LINCOLN	NE	68502-3304
MILESTONE CONSTRUCTION CO LLC	2002 S 48TH ST		SPRINGDALE	AR	72762-5772
MILLER ELECTRICAL CONTRACTING INC	3932 POST OAK RD		SALEM	IL	62881-6644
MILLS UTILITY CONSTRUCTION OF MS INC	714 HIGHWAY 334		OXFORD	MS	38655-9457
MINNESOTA LIMITED LLC	PO BOX 410		BIG LAKE	MN	55309-0410
MIRA ENTERPRISES	9500 IH 20		EASTLAND	TX	76448-5739
MIRON CONSTRUCTION CO INC	PO BOX 509		NEENAH	WI	54957-0509
MISSION MASONRY	7737 MISSION RD		PRAIRIE VLG	KS	66208-4231

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MJ PAINTING CONTRACTOR CORP	291 HOMER ST		OLEAN	NY	14760-1131
MJM SERVICES CONSTRUCTION INC	PO BOX 24006		BELLEVILLE	IL	62223-9006
MKD ELECTRIC LLC	2590 ALFT LN STE A		ELGIN	IL	60124-7820
ML GRAY PARTNERSHIP LLC	1811 GREENVILLE AVE STE 150		DALLAS	TX	75206-6867
MOCA LOGISTICS AND INDUSTRIAL SOLUTIONS LLC	3800 SAINT ELMO AVE STE 306		CHATTANOOGA	TN	37409-1273
MODIFIED CONCRETE SUPPLIES LLC	6200 E HIGHWAY 62 BLDG 2501		JEFFERSONVILLE	IN	47130-8769
MOLIN CONCRETE PRODUCTS CO INC	415 LILAC ST		LINO LAKES	MN	55014-1098
MOLLERS NORTH AMERICA INC	PO BOX 888820		GRAND RAPIDS	MI	49588-8820
MONARCH BUILD LLC	8100 NEWTON ST STE 300		OVERLAND PARK	KS	66204-3669
MORRISON BROS CONSTRUCTION COMPANY	2134 N 81ST ST		CASEYVILLE	IL	62232-1604
MORRISSEY CONTRACTING COMPANY INC	PO BOX 67		GODFREY	IL	62035-0067
MOSS ROOFING & INSULATION INC	310 HIGHWAY 150 S		WEST UNION	IA	52175-1505
MOTT ELECTRIC LLC	PO BOX 322		PADUCAH	KY	42002-0322
MOUNT FARM DRAINAGE LLC	3313 260TH ST		RIVERTON	IA	51650-6002
MOUNTAIN LOG & TIMBER CONSTRUCTION INC	1344 US HIGHWAY 93 N		VICTOR	MT	59875-9769
MTD ELECTRIC LLC	22004 S WAVERLY RD		SPRING HILL	KS	66083-4548
MTT CO	PO BOX 161		DENISON	IA	51442-0161

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MULTATECH ENGINEERING INC	2821 W 7TH ST STE 400		FORT WORTH	TX	76107-8913
MUNICIPAL PIPE SERVICES INC	1550 NE 51ST AVE		DES MOINES	IA	50313-2123
MUNICIPAL PIPE TOOL COMPANY LLC	515 5TH ST		HUDSON	IA	50643-7773
MURPHREE FAMILY INVESTMENTS	PO BOX 2094		BATESVILLE	AR	72503-2094
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD		SAINT PETER	MN	56082-5059
NASHVILLE FABRICATION LLC	2039 HIGHWAY 12 S		ASHLAND CITY	TN	37015-3914
NATCO DESIGN BUILD LLC	PO BOX 77705		BATON ROUGE	LA	70879-7705
NATIONAL BRIDGE	514 ANCLOTE RD		TARPON SPGS	FL	34689-6701
NATIONAL CONDUCTOR CONSTRUCTORS LLC	18119 STATE HIGHWAY 371		BRAINERD	MN	56401-6822
NATIONAL CUSTOM CORPORATE SERVICES INC	3120 MEDLOCK BRIDGE RD STE 100		PEACHTREE CORNERS	GA	30071-1460
NATIONAL ERECTORS & BUILDERS INC	13739 KAYSER RD		HIGHLAND	IL	62249-4619
NATIONAL ROOFING AND SHEET METAL COMPANY	G4130 FLINT ASPHALT DRIVE		BURTON	MI	48529
NATIONAL WELDING CORPORATION	7025 S COMMERCE PARK DR		MIDVALE	UT	84047-1090
NATIONWIDE FENCE AND SUPPLY COMPANY	69951 LOWE PLANK RD		RICHMOND	MI	48062-5365
NBMC INC	PO BOX 300		GREENBRIER	AR	72058-0300
NEESER CONSTRUCTION INC.	2501 BLUEBERRY RD		ANCHORAGE	AK	99503-2656



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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN		OKLAHOMA CITY	OK	73127-5527
NEMAHA LANDSCAPE CONSTRUCTION INC	541 S 1ST ST STE 1		LINCOLN	NE	68508-2909
NEW ENGLAND LEAD BURNING CO INC	2 BURLINGTON WOODS DR STE 300		BURLINGTON	MA	01803-4543
NEW TECH CONSTRUCTION INC	PO BOX 39		NEBRASKA CITY	NE	68410-0039
NEW WAVE POOLS & SPAS INC	13312 GILES RD		OMAHA	NE	68138-3467
NEXT FIBER LLC	24504 W 86TH TER		LENEXA	KS	66227-3257
NOHAVA CONSTRUCTION INC	51 ST ANDREWS WAY		SIOUX CENTER	IA	51250-2955
NORTH AMERICAN ROOFING SERVICES LLC	14025 RIVEREDGE DR STE 600		TAMPA	FL	33637-2088
NORTH CENTRAL SERVICE INC	PO BOX 310		BEMIDJI	MN	56619-0310
NORTH MISSISSIPPI CONVEYOR COMPANY INC	PO BOX 1375		OXFORD	MS	38655-1375
NORTHERN CLEARING INC	28190 STATE HIGHWAY 137		ASHLAND	WI	54806-4601
NORTHERN GENERAL CONTRACTORS INC.	PO BOX 900		PALMER	MA	01069-0900
NORTHLAND CONSTRUCTORS OF DULUTH INC.	4843 RICE LAKE RD		DULUTH	MN	55803-1295
NORTHWEST DEMOLITION AND DISMANTLING INC	PO BOX 230819		TIGARD	OR	97281-0819
NOVINIUM INC	22820 RUSSELL RD		KENT	WA	98032-4892
NU TEC ROOFING CONTRACTORS LLC	5025 EMCO DR		INDIANAPOLIS	IN	46220-4846

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NUTRI-JECT SYSTEMS INC	PO BOX 398		HUDSON	IA	50643-0398
O'CONNOR CORPORATION	45 INDUSTRIAL DR		CANTON	MA	02021-2896
OHIO IRRIGATION LAWN SPRINKLER SYSTEMS INC	2109 E SOCIAL ROW RD		DAYTON	OH	45458-4803
OLGOONIK SPECIALTY CONTRACTORS LLC	3201 C ST STE 700		ANCHORAGE	AK	99503-3934
OLYMPUS PAINTING CONTRACTORS INC	556 ANCLOTE RD		TARPON SPGS	FL	34689-6701
ONEALS ELECTRIC HEATING & COOLING INC	2700 BAUGHMAN CUTOFF RD		HARRISON	AR	72601-6720
OSMENT ROOFING SYSTEMS INC	4201 E NETTLETON AVE		JONESBORO	AR	72401-5560
OTC SERVICES INC	PO BOX 188		LOUISVILLE	OH	44641-0188
OTTO BAUM COMPANY INC	866 N MAIN ST		MORTON	IL	61550-1645
OUTDOOR SYSTEMS INC	660 STATE ROUTE 158		COLUMBIA	IL	62236-3232
OVERHEAD CONVEYOR COMPANY	1330 HICTON		FERNDALE	MO	48220
P&P ARTEC INC	700 CREEL DR		WOOD DALE	IL	60191-2608
PACIFIC STUDIO INC	5311 SHILSHOLE AVE NW		SEATTLE	WA	98107-4021
PADGETT BUILDING & REMODELING CO	4200 SMELTING WORKS RD		SWANSEA	IL	62226-2023
PAINT PRO OF MISSOURI INC	6930 W 152ND TER		OVERLAND PARK	KS	66223-3125
PAR RESTORATION SERVICES INC	1934 N 81ST ST		CASEYVILLE	IL	62232-1656
PARK CONSTRUCTION MIDWEST INC	1481 81ST AVE NE		MINNEAPOLIS	MN	55432-1795

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PARK DEROCHIE COATINGS AND LININGS LLC	11835 - 28 STREET NE		EDMONTON	AB	T6S 1C8
PARKWAY C&A LP	1000 CIVIC CIR		LEWISVILLE	TX	75067-3493
PARSONS PROJECT SERVICES INC	16055 SPACE CENTER BLVD STE 725		HOUSTON	TX	77062-6269
PATRIOT DRYWALL COMPANY INC	9337 W 53RD ST		SHAWNEE	KS	66203-2113
PATRIOT READY MIXED CONCRETE LLC	6202A OLD FRANCONIA RD		ALEXANDRIA	VA	22310-2529
PAVEWAY SYSTEMS INC	114 INDIAN LAKES LN		FLORAHOME	FL	32140-3614
PAYNE CONSTRUCTION SERVICES LLC	10565 DOWNTHA LN		BUNKER HILL	IL	62014-2855
PERENNIAL ENVIRONMENTAL I LLC	13100 NORTHWEST FWY STE 160		HOUSTON	TX	77040-6343
PERFECT PLAY FIELDS AND LINKS INC	PO BOX 24006		BELLEVILLE	IL	62223-9006
PERFORMANCE CONTRACTORS INC	PO BOX 83630		BATON ROUGE	LA	70884-3630
PETREE CONSTRUCTION	1100 S D ST		FORT SMITH	AR	72901-4510
PETTUS PLUMBING & PIPING INC	PO BOX 1048		ROGERSVILLE	AL	35652-1048
PIASA COMMERCIAL INTERIORS INC	1001 S MORRISON AVE		COLLINSVILLE	IL	62234-1514
PINNACLE BOILER COMPANY LLC	PO BOX 2407		MISSION	KS	66201-2407
PINNACLE CONSTRUCTION OF IOWA INC	PO BOX 368		GLENWOOD	IA	51534-0368
PINNACLE MECHANICAL	PO BOX 133		HORTON	AL	35980-0133
PIONEER ROOFING LLC	PO BOX 277		JOHNSON CREEK	WI	53038-0277

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PIPING CONTRACTORS OF KANSAS INC	115 SW JACKSON ST		TOPEKA	KS	66603-3311
PITRE CONSTRUCTION INC	6835 TOWN HALL RD		BELLEVILLE	IL	62223-8623
PLANT MAINTENANCE SERVICE CORPORATION	3000 FITE RD		MILLINGTON	TN	38053-8334
PLYLERS AT YOUR SERVICE INC	10 CREEK ST		BROOKVILLE	PA	15825-1401
P-N-G CONTRACTING INC	917 CARLA DR		TROY	IL	62294-3153
POLISHED AND DECORATIVE CONCRETE LLC	8525 PARALLEL PKWY		KANSAS CITY	KS	66112-1746
POLK & ASSOCIATES CONSTRUCTION INC	417 WELSHWOOD DR STE 310		NASHVILLE	TN	37211-4248
POLY VINYL ROOFING INC	785 ELBOW CREEK RD		MOUNT VERNON	IA	52314-9732
PORTERS COMMERCIAL REFRIGERATION INC	118 RIDGE DR		GREENBRIER	AR	72058-9652
POWERCLEAN INC.	6808 METRO PARK DR E		FORT WAYNE	IN	46818-9393
POWERSECURE INC	1609 HERITAGE COMMERCE CT		WAKE FOREST	NC	27587-4245
PRAIRIE CENTER PLUMBING HEATING & AIR CONDITIONING	242 N MARION ST		OLATHE	KS	66061-3105
PRAIRIE CONTRACTORS INC	9318 GULFSTREAM RD STE C		FRANKFORT	IL	60423-2538
PRECISION CONSTRUCTION GRADING AND EXCAVATION LLC	4600 SHEARER RD		KANSAS CITY	KS	66106
PRECISION UTILITIES GROUP INC	5916 E STATE BLVD		FORT WAYNE	IN	46815-7637
PREDICTIVE TECHNOLOGIES INC	18827 570TH AVE		AUSTIN	MN	55912-5986

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PREFERRED GLOBAL INC	1360 S 10TH ST		NOBLESVILLE	IN	46060-3828
PREMIER STEEL INC	3248 MARTIN LUTHER KING		ANDERSON	IN	46013
PRICE GREGORY INTERNATIONAL INC	24275 KATY FWY STE 500		KATY	TX	77494-7269
PRO ALARM LLC	130 N DUNCAN ST		MARINE	IL	62061
PROBST ELECTRIC INC	441 W POWERLINE RD		HEBER CITY	UT	84032-1277
PRODYN LLC	100 CATHEDRAL ST STE 5		ANNAPOLIS	MD	21401-2702
PROGRESSIVE PLUMBING & PIPING INC	6007 W 8000 S		PAYSON	UT	84651-9724
PROSHOT CONCRETE INC	4158 MUSGROVE DR		FLORENCE	AL	35630-6396
PROSSER WILBERT CONSTRUCTION INC	13730 W 108TH ST		LENEXA	KS	66215-2026
PROTACK LLC	PO BOX 649		MORRIS	IL	60450-0650
PSF MECHANICAL INC	11621 E MARGINAL WAY S # A		TUKWILA	WA	98168-1965
Q3 CONTRACTING INC	3066 SPRUCE ST		LITTLE CANADA	MN	55117-1061
QCI THERMAL SYSTEMS INC	PO BOX 2432		DAVENPORT	IA	52809-2432
QUALITY STRIPING INC	1704 E EUCLID AVE		DES MOINES	IA	50313-4730
QUICK RELIEF PLUMBING LLC	6822 BERRY RD		KANSAS CITY	KS	66106-5220
R L BRINK CORPORATION	4400 N 24TH ST		QUINCY	IL	62305-7775
RAGAN MECHANICAL INC	702 W 76TH ST		DAVENPORT	IA	52806-1317
RAGNAR BENSON LLC	PO BOX 2071		LOVES PARK	IL	61130-0071
RAILWAY LOGIX SERVICES INC.	PO BOX 105		SEBASTOPOL	MS	39359-0105

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RAM CONSTRUCTION SERVICES OF MICHIGAN INC	13800 ECKLES RD		LIVONIA	MI	48150-1041
RAMON GARCIA CONSTRUCTION LLC	PO BOX 12743		KANSAS CITY	KS	66112-0743
RANCH CRYOGENICS INC.	32580 N 1500 EAST RD		BLACKSTONE	IL	61313-9685
RAWLINGS INDUSTRIAL INC	PO BOX 1438		HAMILTON	MT	59840-1438
RE CON COMPANY A TEXAS CORP	12 NE 52ND ST		OKLAHOMA CITY	OK	73105-1888
RECTENWALD BROTHERS CONSTRUCTION INC	16 LEONBERG RD		CRANBERRY TWP	PA	16066-3602
REDNOUR STEEL ERECTORS INC	PO BOX 116		CUTLER	IL	62238-0116
REED DILLON & ASSOCIATES LLC	1213 E 24TH ST		LAWRENCE	KS	66046-5128
REGAL CONSTRUCTION LLC	17900 DEARBORN ST		STILWELL	KS	66085-9504
REINER CONSTRUCTION CORP	2164 CITYGATE DR		COLUMBUS	OH	43219-3556
RELIABLE RELAMPING INC	6459 NASH RD		SARANAC	MI	48881-9608
RELIA TECH INC	2280 SIBLEY CT		EAGAN	MN	55122-1998
REMBCO GEOTECHNICAL CONTRACTORS INC	PO BOX 23009		KNOXVILLE	TN	37933-1009
RES SYSTEM 3	1610 ARDEN WAY STE 280		SACRAMENTO	CA	95815-4050
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N		LAKE ELMO	MN	55042-9586
RETAIL STOREFRONT GROUP INC	PO BOX 1070		LEEDS	AL	35094-0020
RGC GLASS INC.	2213 HAWKS LNDG		FAYETTEVILLE	AR	72704-5294
RICH PLUMBING INC	702 N WALNUT ST	P O BOX 407	WAPELLA	IL	61777-0407

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RICHARD GOETTLE INC	12071 HAMILTON AVE		CINCINNATI	OH	45231-1032
RICHARD NACHBAR PLUMBING INC	9053 COTTONWOOD CANYON PL		LENEXA	KS	66219-8174
RICHARD TURNER CONSTRUCTION COMPANY INC	10425 COGDILL RD STE 100		KNOXVILLE	TN	37932-3391
RICKY JONES	1797 N 4TH AVE		PIGGOTT	AR	72454-8242
RIEKE GRADING INC	8200 HEDGE LANE TER		SHAWNEE	KS	66227-3037
RIGHT WAY FACILITY SERVICES OF TEXAS LLC	503 MERCEDES ST STE B		BENBROOK	TX	76126-2572
RIGID SERVICES LLC	PO BOX 1171		BREAUX BRIDGE	LA	70517-1171
RIVER CITIES ENGINEERING INC	125 W 76th St		Davenport	IA	52806-1340
RJ MARTIN NATIONAL CONTRACTING INC	22841 AURORA RD		BEDFORD HTS	OH	44146-1244
RL BISHOP & ASSOCIATES INC	PO BOX 703		MANCHESTER	GA	31816-0703
RL COOLSAET CONSTRUCTION COMPANY	PO BOX 279		TAYLOR	MI	48180-0279
RMS CRANES LLC	1961 E 64TH AVE		DENVER	CO	80229-7414
ROAD FABRICS INC	PO BOX 87380		CAROL STREAM	IL	60188
ROCK SUPREMACY LLC	65147 N HIGHWAY 97		BEND	OR	97701-8029
ROCKFORD CONSTRUCTION CO	601 1ST ST NW		GRAND RAPIDS	MI	49504-5517
ROEHL REFRIGERATED TRANSPORT LLC	PO BOX 750		MARSHFIELD	WI	54449-0750
ROLLING PLAINS CONSTRUCTION INC	12331 PEORIA ST		HENDERSON	CO	80640-9650

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RON WEERS CONSTRUCTION INC	20765 FOSTER CT		BUCYRUS	KS	66013-9080
RON'S SIGN COMPANY	1329 S HANDLEY ST		WICHITA	KS	67213-4316
ROPE PARTNER INC	125 MCPHERSON ST STE B		SANTA CRUZ	CA	95060-5883
ROYAL ROOFING COMPANY INC	2445 BROWN RD		ORION	MI	48359-1810
ROYALTY COMPANIES OF INDIANA INC	2099 E TIPTON ST		SEYMOUR	IN	47274-3567
RP COATINGS INC	PO BOX 327		TROY	IL	62294-0327
RWS ENTERPRISES LLC	8725 ROSEHILL RD STE 119		LENEXA	KS	66215-4611
RYAN INCORPORATED CENTRAL	PO BOX 206		JANESVILLE	WI	53547-0206
S & K REECE CONSTRUCTION LLC	11501 W 109TH ST		OVERLAND PARK	KS	66210-1235
S & W CONSTRUCTION LLC OF IOWA	109 MOODY DR		HAMBURG	IA	51640-1803
S A COMUNALE CO INC	2900 NEWPARK DR		BARBERTON	OH	44203-1050
SACHSE CONSTRUCTION AND DEVELOPMENT COMPANY LLC	3663 WOODWARD AVE	SUITE 500	DETROIT	MI	48201-2400
SAMRON MIDWEST CONTRACTING INC	PO BOX 1555		MURPHYSBORO	IL	62966-5055
SANGIOLO & BAKER MASONRY LLC	4673 DOUGLAS RD		MILLSTADT	IL	62260-2723
SAPPHIRE COMPANIES LLC	790 HOWARD AVE STE A		BILOXI	MS	39530-3822
SASCO	2750 MOORE AVE		FULLERTON	CA	92833-2563
SATELLITE SERVICES INC	309 S FRONT ST		MARQUETTE	MI	49855-4600
SAVAGE BROTHERS INC	5300 COMMAND DR		MEMPHIS	TN	38118-7904



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SCG FIELDS LLC	10303 BRECKSVILLE RD		BRECKSVILLE	OH	44141-3335
SCHEIDT & BACHMANN USA INC	1001 PAWTUCKET BLVD		LOWELL	MA	01854-1040
SCHLEIS FLOOR COVERING INC	998 GLORY RD		GREEN BAY	WI	54304-5631
SCHREIBER CORPORATION	29945 BECK RD		WIXOM	MI	48393-2836
SCHUFF STEEL COMPANY	PO BOX 19028		PHOENIX	AZ	85005-9028
SCHULTZ BROTHERS ELECTRIC CO INC	3030 S 24TH ST # A		KANSAS CITY	KS	66106-4707
SCHUMACHER ELEVATOR COMPANY	1 SCHUMACHER WAY		DENVER	IA	50622-7729
SCHUPPS LINE CONSTRUCTION INC	PO BOX 13655		ALBANY	NY	12212-3655
SCHWICKERTS TECTA AMERICA LLC	330 POPLAR ST		MANKATO	MN	56001-2312
SCM LLC	PO BOX 122		MONROVIA	IN	46157-0122
SCOTT ENTERPRISES ROOFING & SHEET METAL	9684 N 109TH AVE		OMAHA	NE	68142-1124
SEAKAY CONSTRUCTION SE CORP	3882 ROUNDTREE RD UNIT 2		JEFFERSON	MD	21755-7806
SEAMLESS SOLUTIONS LLC	12605 W SANTA FE TRAIL DR		LENEXA	KS	66215
SEELE INC	24 W 40TH ST FL 12		NEW YORK	NY	10018-1094
SEITHER & CHERRY QUAD CITIES INC	611 E 59TH ST		DAVENPORT	IA	52807-2626
SEK HEAT & AIR INC	422 W ATKINSON RD		PITTSBURG	KS	66762-8634
SEMINOLE EQUIPMENT INC	204 TARPON INDUSTRIAL DR		TARPON SPGS	FL	34689-6801
SERVICE & INDUSTRIAL REPAIR INC	18097 VAIL RD		PLEASANTON	KS	66075-7503

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SEVEN25 LLC	11742 YALE DR		CARMEL	IN	46032-4658
SG CONSTRUCTION SERVICES LLC	111 E COURT ST STE 1A		FLINT	MI	48502-1649
SHAMROCK DECORATING INC	12757 S LACROSSE		ALSIP	IL	60803
SHAMROCK DEVELOPMENT OF INDIANA INC	5775 NIMTZ PKWY STE 200		SOUTH BEND	IN	46628-6195
SHEET PILING SERVICES LLC	6872 STATE HIGHWAY 66		CUSTER	WI	54423-9608
SHERMCO INDUSTRIES INC	PO BOX 540545		DALLAS	TX	75354-0545
SHORES BUILDERS INC	2222 E MCCORD ST		CENTRALIA	IL	62801-6731
SHORTRIDGE CONSTRUCTION COMPANY INC	3908 N 24TH ST		QUINCY	IL	62305-9628
SHRADER & MARTINEZ CONSTRUCTION USA LLC	160 DRY CREEK RD		SEDONA	AZ	86336-4307
SIGN CRAFTERS INC	1508 STRINGTOWN RD		EVANSVILLE	IN	47711-4593
SIMBECK & ASSOCIATES INC	38256 HIGHWAY 160		MANCOS	CO	81328-8967
SIMON ROOFING AND SHEET METAL CORP	70 KARAGO AVE		YOUNGSTOWN	OH	44512-5949
SINGLE PLY SYSTEMS INC	10951 NESBITT AVE S		MINNEAPOLIS	MN	55437-3125
SKYTOP TOWERS INC	13503 W US HIGHWAY 34		MALCOLM	NE	68402-9783
SLAYDEN GLASS INC	239 N OLD SAINT LOUIS RD		WOOD RIVER	IL	62095-1437
SMART RESTORATION LLC	4440 OLIVER ST		KANSAS CITY	KS	66106-3763
SMITH TANK & STEEL INC	PO BOX 2370		GONZALES	LA	70707-2370
SMITHSON INC	PO BOX 1731		ROCKY MOUNT	NC	27802-1731

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SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601		LITTLE ROCK	AR	72221
SNELSON COMPANIES INC	PO BOX 561		SEDRO WOOLLEY	WA	98284-0561
SNI COMPANIES	PO BOX 367		NORWALK	IA	50211-0367
SOLARIS ROOFING SOLUTIONS INC	31W023 NORTH AVE		WEST CHICAGO	IL	60185-1060
SOLID PLATFORMS INC	6610 MELTON RD		PORTAGE	IN	46368-1236
SOUTHEAST DIRECTIONAL DRILLING LLC	3117 N CESSNA AVE		CASA GRANDE	AZ	85122-7947
SOUTHEAST INDUSTRIAL LLC	800 W MORRIS BLVD		MORRISTOWN	TN	37813-2024
SOUTHEASTERN INSTALLATION INC	207 CEDAR LANE DR		LEXINGTON	NC	27292-5711
SOUTHERN CONTRACTING LLC	777 ALLOY DR		NEWBERN	TN	38059-1171
SOUTHERN ENVIRONMENTAL INC	6540 W NINE MILE RD		PENSACOLA	FL	32526-4288
SOUTHERN ERECTORS INC	6540 W NINE MILE RD		PENSACOLA	FL	32526-4288
SOUTHERN MARINE CONSTRUCTION CO	PO BOX 4539		CHATTANOOGA	TN	37405-0539
SOUTHERN ROOTS STEEL ERECTORS INC	12277 ELMWOOD ST		TYLER	TX	75706-4420
SOUTHWEST REFRACTORY OF TEXAS LP	PO BOX 1308		ALVIN	TX	77512-1308
SOVEREIGN STAFFING GROUP INC	1041 E 151ST ST		OLATHE	KS	66062-3417
SOWARDS GLASS INC	2600 NW TOPEKA BLVD STE C		TOPEKA	KS	66617-1160

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SPARROW PLUMBING & HEATING INC	313 DELAWARE ST		QUINCY	IL	62301-4823
SPECPRO INCORPORATED OF NEBRASKA	309 E 2ND ST STE 4		PAPILLION	NE	68046-2469
SPECTRA TECH LLC	10340 PLEASANT ST STE 100		NOBLESVILLE	IN	46060-3947
SPECTRUM ENVIRONMENTAL LLC	4000 TRIANGLE LN STE 160		EXPORT	PA	15632-9306
SPRAY IN PLACE SOLUTIONS LLC	45 KNICKERBOCKER AVE STE 1		BOHEMIA	NY	11716-3119
SQUARE B LLC	500 W SOUTH ST STE 1		LINCOLN	NE	68522-1744
SSI INCORPORATED OF NW ARKANSAS	2817 YUMA ST		FORT SMITH	AR	72901-8778
ST COTTER TURBINE SERVICES INC	2135 196TH ST E		CLEARWATER	MN	55320-1660
STANDARD ELECTRIC TOO LLC	2006 E PRAIRIE CIR		OLATHE	KS	66062-1268
STELLAR RESTORATION SERVICES LLC	15119 MEMORIAL DR STE 200		HOUSTON	TX	77079-4327
STEPHENS & SMITH CONSTRUCTION CO INC	1542 S 1ST ST		LINCOLN	NE	68502-1999
STEVE HOEGGER & ASSOCIATES INC	2630 N HIGHWAY 78		WYLIE	TX	75098-6055
STILL CONTRACTORS LLC	15740 S MAHAFFIE ST		OLATHE	KS	66062-4038
STONEBRIDGE CONSTRUCTION LLC	PO BOX 16787		JONESBORO	AR	72403-6712
STORY CONSTRUCTION CO	2810 WAKEFIELD CIR		AMES	IA	50010-7725
STORY CONSTRUCTION COMPANY LLC	901 HARPETH VALLEY PL		NASHVILLE	TN	37221-1141

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STRINGER CONSTRUCTION COMPANY INC	6141 LUCILLE LN		SHAWNEE	KS	66203-2609
STRUCTURAL RESTORATION INC	305 3RD ST		FARMINGTON	MN	55024-1352
STRUCTURAL WATERPROOFING INC	PO BOX 255		FARMINGTON	MN	55024-0255
STUDIO LAND ARTS LLC	35 LINDORF DR		BELLEVILLE	IL	62223-1225
STUTZ EXCAVATING INC.	3837 FOSTERBURG RD		ALTON	IL	62002-7323
SUMMIT HEARTLAND LLC	3823 W 1800 S		REMINGTON	IN	47977-8831
SUMMIT SPECIALIZED INSTALLATIONS USA INC	5470 WYNN ROAD, SUITE 300		LAS VEGAS	NV	89118
SUNBELT FIRE PROTECTION INC	1520 S MEMORIAL DR		TULSA	OK	74112-7039
SUNLAND CONSTRUCTION INC	PO BOX 1087		EUNICE	LA	70535-1087
SUPER SKY PRODUCTS ENTERPRISES LLC	10301 N ENTERPRISE DR		MEQUON	WI	53092-4639
SUPERIOR CONCRETE FENCE OF TEXAS INC	1203 RAIDER DR		EULESS	TX	76040-6238
SUPREME ELECTRIC CO	PO BOX 114		QUINCY	IL	62306-0114
SURFACE AMERICA INC	PO BOX 157		WILLIAMSVILLE	NY	14231-0157
SURFACE PREPARATION TECHNOLOGIES LLC	PO BOX 834		NEW KINGSTOWN	PA	17072-0834
SURVEYS LAND AND CONSTRUCTION INC	PO BOX 29		LINDSBORG	KS	67456-0029
SUTTERFIELD ELECTRIC CONTRACTING CORP	339 N OLD SAINT LOUIS RD		WOOD RIVER	IL	62095-1165
SWIFT ROOFING INC	PO BOX 1102		MURRAY	KY	42071-0020

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
SYBRAN COMMUNICATIONS INC	16500 INDIAN CREEK PKWY STE 102		OLATHE	KS	66062-1215
SYSTEMS PLANT SERVICES INC	214 N WASHINGTON AVE STE 700		EL DORADO	AR	71730-5659
T & G CONSTRUCTION OF STILLWATER INC	5865 NEAL AVE N # 259		STILLWATER	MN	55082-2177
TAILORED FOAM INCORPORATED	PO BOX 4186		HICKORY	NC	28603-4186
TANCO ENGINEERING INC	1400 TAURUS CT		LOVELAND	CO	80537-3297
TANK BUILDERS INC	PO BOX 1527		EULESS	TX	76039-1527
TANK FOUNDATIONS INC	410 W FRONT ST		LAKE MILLS	IA	50450-1109
TANK INDUSTRY CONSULTANTS INC	7740 W NEW YORK ST		INDIANAPOLIS	IN	46214-4939
TARPAN CONSTRUCTION LLC	6756 HIGHWAY 29		COTTONPORT	LA	71327-4228
TATE GENERAL CONTRACTORS INC	115 WOODY LN		JONESBORO	AR	72401-0496
TAYLOR BROS CONSTRUCTION CO INC	4555 MIDDLE RD		COLUMBUS	IN	47203-1834
TDR CONTRACTORS INC	PO BOX 1003		GILMER	TX	75644-1003
TDS CONSTRUCTION 1 INC	4239 63RD ST W		BRADENTON	FL	34209-6647
TDW US INC	6120 S YALE AVE STE 1700		TULSA	OK	74136-4235
TECTA AMERICA ILLINOIS ROOFING LLC	4813 KINGSTON AVE		LISLE	IL	60532-2220
TELETECHSERV GA LLC	9335 INDUSTRIAL TRCE		ALPHARETTA	GA	30004-3383
TELLUS LLC	829 NANCY LYNN LN		ARNOLD	MD	21012-3025
TENNESSEE ELECTRIC COMPANY INC	1025 KONNAROCK RD		KINGSPORT	TN	37664-3720

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**Construction Transient Employer Listing**

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
TERRAZZO USA AND ASSOCIATES INC	9532 TOWRY CT		OKLAHOMA CITY	OK	73165-4629
TERRY & TERRY CONSTRUCTION LLC	723 E MAIN ST		CHARLESTON	AR	72933-9000
TERWISSCHA CONSTRUCTION INC	1550 WILLMAR AVE SE		WILLMAR	MN	56201-4762
TEXAS ALLIANCE GROUP INC	11288 WEST RD		HOUSTON	TX	77065-4493
TEXOMA INDUSTRIAL INSULATION ASSOCIATION	PO BOX 497		DENISON	TX	75021-0497
TFR ENTERPRISES INC	601 LEANDER DR		LEANDER	TX	78641-2026
THE DRILLER LLC	5125 E UNIVERSITY AVE		PLEASANT HILL	IA	50327-7007
THE FISHEL COMPANY	1366 DUBLIN RD		COLUMBUS	OH	43215-1093
THE FRED CHRISTEN & SONS COMPANY	PO BOX 547		TOLEDO	OH	43697-0547
THE GOETTLE COMPANY	12071 HAMILTON AVE		CINCINNATI	OH	45231-1032
THE HAIRE CORPORATION	1747 STEVENS ST		BELLEVILLE	IL	62226-6482
THE JAMAR COMPANY OF MINNESOTA	4701 MIKE COLALILLO DR		DULUTH	MN	55807-2762
THE KILIAN CORPORATION	PO BOX A		MASCOUTAH	IL	62258-0187
THE MAPP GROUP LLC	344 3RD ST		BATON ROUGE	LA	70801-1307
THE MAXIS GROUP INC	8225 E DEL CAMINO DR # 100		SCOTTSDALE	AZ	85258-2330
THE NASSAL COMPANY	415 W KALEY ST		ORLANDO	FL	32806-3942
THE RIVERSIDE GROUP INC	13238 S PEORIA AVE		BIXBY	OK	74008-4846
THE ROBINS & MORTON GROUP	400 SHADES CREEK PKWY		BIRMINGHAM	AL	35209-4454

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
THE ROSS GROUP CONSTRUCTION CORPORATION	PO BOX 690960		TULSA	OK	74169-0960
THE RYAN GROUP INC	10955 160TH ST		DAVENPORT	IA	52804-9166
THERMODYNE COMMERCIAL CLIMATE CONTROL SPECIALISTS	300 W MONROE ST		BELLEVILLE	IL	62220-2466
THIELSCH ENGINEERING INC	195 FRANCES AVE		CRANSTON	RI	02910-2211
THOMAS GRACE CONSTRUCTION INC	5605 MEMORIAL AVE N		STILLWATER	MN	55082-1092
THOMPSON ELECTRIC COMPANY	3505 S 61ST AVENUE CIR		OMAHA	NE	68106-4306
THOMPSON ELECTRONICS COMPANY	905 S BOSCH RD		PEORIA	IL	61607-1120
THOMPSON THRIFT CONSTRUCTION INC	901 WABASH AVE STE 300		TERRE HAUTE	IN	47807-3233
TI ZACK CONCRETE INC	39352 221ST AVE		LE CENTER	MN	56057-4131
TINDALL CONTRACTOR INC	5240 NAMEOKI RD		PONTOON BEACH	IL	62040-2656
TK AIRPORT SOLUTIONS INC.	3201 N SYLVANIA AVE STE 117		FORT WORTH	TX	76111-3124
TMG CONSTRUCTION MANAGEMENT INC	15420 ENDEAVOR DR		NOBLESVILLE	IN	46060-4921
TMI COATINGS INC	3291 TERMINAL DR		EAGAN	MN	55121-1610
TOM'S BACKHOE SERVICE INC.	323 WOODLAND HILLS LN		BRAINERD	MN	56401-6514
TOMS TUCKPOINTING LLC	202 W BROADWAY ST		POCAHONTAS	AR	72455-3419
TOPPING OUT INC	15109 S 231ST ST		GRETN	NE	68028-6575
TOTAL CONSTRUCTION SOLUTIONS CO	7630 LOUIS RICH CT		DAVENPORT	IA	52804-2269



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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
TOTAL ELECTRIC CONTRACTORS INC	PO BOX 13247		EDWARDSVILLE	KS	66113-0247
TOTAL STEEL SERVICES LLC	1255 W BROADWAY ST		SPARTA	IL	62286-1659
TOUCH UP PLUS	5353 SPRINGFIELD DR		EDWARDSVILLE	IL	62025-5835
TOURNEAR ROOFING CO	2605 SPRING LAKE RD		QUINCY	IL	62305-0523
TOWER TECHNOLOGIES GROUP LLC	PO BOX 266		EDGERTON	WI	53534-0266
TQ CONSTRUCTORS INC	911 2ND AVE		DAYTON	KY	41074-1203
TRAC WORK INC	PO BOX 550		ENNIS	TX	75120-0550
TRADEBE ENVIRONMENTAL SERVICES LLC	234 HOBART ST STE 1		MERIDEN	CT	06450-4380
TRANSFLUID SERVICES INC	600 TRAVIS ST STE 6150		HOUSTON	TX	77002-3039
TRI CITY ELECTRIC COMPANY OF IOWA	6225 N BRADY ST		DAVENPORT	IA	52806-0002
TRI COUNTY WELDING & FABRICATION	PO BOX 137		ARTHUR	IL	61911-0137
TRI NORTH BUILDERS INC	PO BOX 259568		MADISON	WI	53725-9568
TRI STATE BUILDING SUPPLY CO INC	816 E JEFFERSON ST		PITTSBURG	KS	66762-6011
TRI STATE CONCRETE CORRECTION CO	3215 CORONA RD		QUINCY	IL	62305-8131
TROCIN INC	1901 MARTIN RD		DRIPPING SPGS	TX	78620-3507
TROST PLASTICS INC	8610 HANOVER INDUSTRIAL DR		COLUMBIA	IL	62236-4632
TROY PIPELINE LLC	PO BOX 450862		HOUSTON	TX	77245-0862
TRULOVE DIRT WORKS LLC	PO BOX 152		BERRYVILLE	MO	42616

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## Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
TST CONSTRUCTION SERVICES LLC	9806 BROCKBANK DR		DALLAS	TX	75220-2943
TUCKER CONSTRUCTION CO	PO BOX 442		LINDSAY	OK	73052
TUCKER TECHNOLOGY INC	300 FRANK H OGAWA PLZ STE 235		OAKLAND	CA	94612-2066
TUFF WRAP INSTALLATIONS INC	2080 DETWILER RD STE 2		HARLEYSVILLE	PA	19438-2911
TURF DESIGN INC	PO BOX 860303		SHAWNEE	KS	66286-0303
TUTTLE INC	110 PAGE ST		FRIEND	NE	68359-1147
TWC CONCRETE LLC	10737 MEDALLION DR		CINCINNATI	OH	45241-4837
TYROLT INCORPORATED DELAWARE	724 N MERCER ST		DECATUR	IL	62522-1699
ULTIMATE CONSTRUCTION SERVICES INC	6700 N INTERSTATE 35		NEW BRAUNFELS	TX	78130-7206
ULTIMATE THERMAL INC	PO BOX 34818		OMAHA	NE	68134-0818
ULTRA SHEEN CONCRETE POLISHING LLC	3402 SCENIC DR		GROVE	OK	74344-5518
UNITED CONVEYOR AND MACHINERY INSTALLATION LLC	2105 ARBOR TECH DR		HEBRON	KY	41048-7512
UNITED GOLF LLC	2108 N 129TH EAST AVE		TULSA	OK	74116-1729
UNITED PIPING INC	4510 AIRPORT RD		DULUTH	MN	55811-1523
UNITED STATES CONSTRUCTION LLC	5845 HORTON ST STE 203		MISSION	KS	66202-2610
UNIVERSAL COMMUNICATIONS LLC	19915 W 161ST ST STE E		OLATHE	KS	66062-2762
UNIVERSAL WALL SYSTEMS INC	4400 DONKERS CT SE		GRAND RAPIDS	MI	49512-4054

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
URETEK USA INC	PO BOX 1929		TOMBALL	TX	77377-1929
US SOUTH PLUMBING INC	7555 INDUSTRIAL CT		ALPHARETTA	GA	30004-3379
US TRADES LLC	10735 SKY PRAIRIE ST STE 100		FISHERS	IN	46038-7816
UTILITRA LLC	200 LAKE FRONT PKWY		EDWARDSVILLE	IL	62025-2904
VAUGHN ELECTRIC CO INC	313 E FLORIDA AVE		UNION CITY	TN	38261-3957
VCC LLC	PO BOX 2558		LITTLE ROCK	AR	72203-2558
VECTOR CONSTRUCTION INC	2504 MAIN AVE W		WEST FARGO	ND	58078-1310
VERITAS CONSTRUCTION GROUP LLC	3511 E SUMMERHILL DR		COTTONWOOD HEIGHTS	UT	84121-5539
VERTICAL TECHNOLOGY SOLUTIONS INC.	1936 S LYNHURST DR STE R		INDIANAPOLIS	IN	46241-4636
VESTA INDUSTRIAL CONTRACTORS INC.	3375 CORPORATE WOODS DRIVE		VESTAVIA	AL	35242
VIACON INC	70 BANKS RD		STOCKBRIDGE	GA	30281-4362
VICS CRANE AND HEAVY HAUL INC	3000 145TH ST E		ROSEMOUNT	MN	55068-5916
VICTORY AIR INC	853 S KEIFER ST		BENNETT	CO	80102-8733
VIKING ERECTORS CORP	PO BOX 1336		MC MURRAY	PA	15317-4336
VIKING INDUSTRIAL PAINTING LLC	211 S 84TH ST		LINCOLN	NE	68510-2603
VIRGINIA TRANSFORMER CORP	220 GLADE VIEW DR NE		ROANOKE	VA	24012-6470
VISION CONTRACTORS INC	95 OLD DIXIE HWY STE B		ADAIRSVILLE	GA	30103-2044
VISION INDUSTRIAL SERVICES LLC	1451 HIGHWAY 12		DEQUINCY	LA	70633-4803

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
VISU SEWER INC	W230N48557 BETKER RD		PEWAUKEE	WI	53072
VKW CONSTRUCTION LLC	505 S MADISON DR		TEMPE	AZ	85281-7213
VOLT POWER LLC	2910 HIGHWAY 31 NW		HARTSELLE	AL	35640-4271
VUCON LLC	527 N HOLLYWOOD ST		MEMPHIS	TN	38112-2598
WADSWORTH GOLF CONSTRUCTION COMPANY OF THE MIDWEST	13941 S VAN DYKE RD		PLAINFIELD	IL	60544-3520
WALTERS MORGAN CONSTRUCTION INC	2616 TUTTLE CREEK BLVD		MANHATTAN	KS	66502-4479
WARD ELECTRIC COMPANY INC.	9586 E I25 FRONTAGE RD STE B		LONGMONT	MO	80504-9458
WARNING LITES OF SOUTHERN ILLINOIS LLC	9441 LEBANON RD		EAST SAINT LOUIS	IL	62203-2213
WATSON ELECTRIC INC	318 N 8TH ST		SALINA	KS	67401-2312
WATTS ELECTRIC COMPANY	13351 DOVERS ST		WAVERLY	NE	68462-2516
WEIGEL CONSTRUCTION INC	19015 MADISON ST STE A		SPRING HILL	KS	66083-7573
WEISHAAR CONTRACTING LLC	105 BLUFF DR		BELLEVILLE	IL	62223-1201
WEST COAST INSPECTION SERVICES LLC	8653 AVENIDA COSTA NORTE		SAN DIEGO	CA	92154-6235
WESTERN OILFIELDS SUPPLY COMPANY	PO BOX 2248		BAKERSFIELD	CA	93303-2248
WHEATLAND CONTRACTING LLC	6204 246TH RD		EFFINGHAM	KS	66023-5151
WHM CONSTRUCTION INC	526 COUNTY ROAD 3211		JACKSONVILLE	TX	75766-9249
WICKS CRANE SERVICE LLC	51 ST ANDREWS WAY		SIoux CENTER	IA	51250-2955
WILDCAT CONCRETE SERVICES INC	PO BOX 9163		WICHITA	KS	67277-0163

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Construction Transient Employer Listing

Contractor Name	Street Address	Street Address 2	City	State	Zip Code
WILLIAM G CURTH INC	PO BOX 3463		SHAWNEE	KS	66203-0463
WILLIAMS DIVERSIFIED MATERIALS INC	PO BOX 660		BAXTER SPGS	KS	66713-0660
WILSONS POOLS PLUS INC	843 SCOTT TROY RD		LEBANON	IL	62254-1911
WIND DECOMMISSIONING SERVICE LLC	513 ELAINE AVE		SHOREVIEW	MN	55126-4685
WINGATE ARCHITECTURAL MILLWORKS CO	PO BOX 632535		NACOGDOCHES	TX	75963-2535
WINGER CONTRACTING COMPANY	PO BOX 637		OTTUMWA	IA	52501-0637
WOLF CONSTRUCTION INC	5630 SW RANDOLPH AVE		TOPEKA	KS	66609-1158
WOLTCOM INC	PO BOX 1983		HOLLISTER	CA	95024-1983
WOODS BASEMENT SYSTEMS INC	524 VANDALIA ST		COLLINSVILLE	IL	62234-4041
WORLDWIDE TURBINES LLC	6770 E ROGERS CIR		BOCA RATON	FL	33487-2649
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST		NASHVILLE	TN	37211-2409
WS INDUSTRIAL SERVICES INC	533 S MAIN ST		COUNCIL BLUFFS	IA	51503-6508
WS SPECIALTY SERVICES LLC	35 MAIN PL STE 175		COUNCIL BLFS	IA	51503-0708
WVP INSTALLATIONS INC	7317 MAPLE AVE		CINCINNATI	OH	45231-4233
YOKOGAWA CORPORATION OF AMERICA	2 DART RD		NEWNAN	GA	30265-1094
ZEAMERS WELDING LLC	2772 BLAKE RD E		DE PERE	WI	54115-8720
ZEFCO INC	PO BOX 1387		ANDERSON	SC	29622-1387

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Contractor Name	Street Address	Street Address 2	City	State	Zip Code
ZIMMERMAN CONSTRUCTION COMPANY INC	12509 HEMLOCK ST		OVERLAND PARK	KS	66213-1453

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [adrules.dissolutions@sos.mo.gov](mailto:adrules.dissolutions@sos.mo.gov).

## NOTICE TO THE UNKNOWN CREDITORS

OF

A.L. Investments, Inc.

You are hereby notified that on September 13, 2021, A.L. Investments, Inc., a Missouri corporation (the "Corporation"), the principal office of which is located in St. Louis County, Missouri, filed Articles of Dissolution with the Secretary of State of Missouri.

In order to file a claim with the Corporation, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting such claim. All claims must be mailed to:

Spencer Fane LLP  
1 N. Brentwood Blvd., Suite 1000  
St. Louis, Missouri, 63105  
Attention: Aaron Pawlitz

A claim against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

## NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST COMPRAD, LLC

On August 19, 2021, CompRad, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

## NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST N AND D, INC.

N and D, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution was effective on September 2, 2021. Any and all claims against N and D, Inc. may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against N and D, Inc. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND  
CLAIMANTS AGAINST EDDIE'S SERVICE STATION, INC.**

Eddie's Service Station, Inc., a Missouri Corporation, filed its Articles of Dissolution by Voluntary Action on August 27, 2021 with the Missouri Secretary of State. All claims against the corporation should be sent to J. Michael Conway, Conway Law Office, LC, Attorney at Law, P.O. Box 412, Boonville, MO 65233. Each claim should include the following: (1) the claimant's name, address and telephone number; (2) the amount of the claim; (3) the date on which the claim arose; (4) the basis of the claim and any documents related to the claim. All claims against the corporation shall be barred unless a proceeding to enforce the claim is commenced within two years after the date of this publication.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND  
CLAIMANTS AGAINST FUTURE M'S, INC.**

Future M's, Inc., a Missouri Corporation, filed its Articles of Dissolution by Voluntary Action on June 1, 2021 with the Missouri Secretary of State. All claims against the corporation should be sent to J. Michael Conway, Conway Law Office, LC, Attorney at Law, P.O. Box 412, Boonville, MO 65233. Each claim should include the following: (1) the claimant's name, address and telephone number; (2) the amount of the claim; (3) the date on which the claim arose; (4) the basis of the claim and any documents related to the claim. All claims against the corporation shall be barred unless a proceeding to enforce the claim is commenced within two years after the date of this publication.

**NOTICE OF WINDING UP DISSOLUTION OF LIMITED LIABILITY COMPANY TO  
ALL CREDITORS AND CLAIMANTS AGAINST 3 AG FARM II, LLC**

On June 1, 2021, 3 AG Farm II, LLC, a Missouri Limited Liability Company, filed its Notice of Winding Up for a Limited Liability Company, with the Missouri Secretary of State effective the date of the filing. All claims against 3 AG Farm II, LLC should be presented in accordance with this Notice. Written claims are to be addressed to J. Michael Conway, Conway Law Office, LC, P.O. Box 412, Boonville, MO 65233. Each claim shall include the following: (1) the claimant's name, address and telephone number; (2) the amount of the claim; (3) the date on which the claim arose; (4) the basis of the claim and any documents related to the claim. Any and all claims against 3 AG Farm II, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of this Notice.

Notice of Dissolution of  
Limited Liability Company  
To All Creditors of and  
Claimants Against  
YASHODA HOTELS LLC

On September 29, 2021, YASHODA HOTELS LLC, a Missouri LLC (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. Claims against the Company shall be mailed to Denker Law Firm LLC, 229 SE Douglas, Ste 210, Lee's Summit, MO 64063. Claims must include: the name, address and phone number of the claimant; the amount being claimed; the date on which the claim arose; the basis for the claim; and all documentation to support the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.



**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY**

**TO ALL CREDITORS OF AND CLAIMANTS AGAINST INDEPENDENCE DINING VENTURE, LLC.**

On August 2, 2021, Independence Dining Venture, LLC, a Missouri Limited Liability Company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The effective date of said Notice was August 2, 2021. Independence Dining Venture, LLC hereby requests that all persons and organizations with claims against it present them immediately by letter to: Independence Dining Venture, LLC, 1600 Genessee Street, Suite 246, Kansas City, Missouri 64102. All claims must include: (i) the name, address, and telephone number of the claimant; (ii) the amount claimed; (iii) the basis for the claim; (iv) the date(s) on which the event(s) on which the claim is based occurred; and (v) any documentation in support of the claim. NOTICE: Because of the dissolution of Independence Dining Venture, LLC, any and all claims against the Limited Liability Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by RSMo 347.141, whichever is published last.

**NOTICE TO  
CREDITORS AND CLAIMANTS OF  
APEX DESIGN LLC**

Apex Design LLC, a Missouri Limited Liability Company has dissolved and is in the process of winding up its affairs. On August 25, 2021, the Company filed Notice of Winding Up with the Secretary of State of Missouri. Any and all claims against the Company may be sent to Norman S. Newmark of McCarthy, Leonard & Kaemmerer, LC, 825 Maryville Centre Drive, Suite 300, Town and Country, MO 63017. Each claim should include the following: name, address and telephone number of claimant, amount of claim, basis of the claim, and documents related to the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of this publication of this notice.

**NOTICE OF DISSOLUTION AND WINDING UP TO ALL  
CREDITORS OF AND CLAIMANTS AGAINST V & H, L.L.C.**

On August 30, 2021, V & H, L.L.C., filed its Notice of Winding Up for Limited Liability Company and its Articles of Termination with the Missouri Secretary of State. The dissolution was effective August 30, 2021. You are hereby notified that if you believe you have a claim against V & H, L.L.C., you must submit a summary in writing of the circumstances surrounding your claim to the corporation at the following address:

V & H, L.L.C.  
c/o Casey E. Elliott  
Van Matre Law Firm, P.C.  
1103 East Broadway  
Columbia, MO 65201

The summary of your claim must include the following information: (1) the name, address and telephone number of the claimant; (2) the amount of the claim; (3) the date on which the event on which the claim is based occurred; and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against V & H, L.L.C., will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF WINDING UP AND DISSOLUTION  
TO ALL CREDITORS AND CLAIMANTS AGAINST  
F & F PROPERTIES LLC**

On August 23, 2021, F & F Properties LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State effective the date of the filing.

All claims against F & F Properties LLC, should be presented in accordance with this notice. Written claims should be addressed to F & F Properties LLC, 9470 N. Creekland Drive, Columbia, MO 65202. Each claim shall include the following: (1) the claimant's name, address, and telephone number; (2) the amount of the claim; (3) the date on which the claim arose; (4) the basis of the claim; and (5) any documents related to the claim.

All claims against F & F Properties LLC, will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of this notice.

**NOTICE OF COMPANY DISSOLUTION  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
TURN-KEY PROPERTY SERVICES LLC**

On September 29, 2021, Turn-Key Property Services LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

All claims against the Company should be submitted in writing to Kristopher Klinkerman, 21 Rockwood Forest Valley Drive, Eureka, MO 63025.

All claims must include: (1) the name and address of the claimant; (2) the amount claimed; (3) the date on which the claim arose; (4) the basis for the claim; and (5) documentation in support of the claim.

All claims against Turn-Key Property Services LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS  
AGAINST MDG WFT, LLC**

On September 29, 2021, MDG WFT, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against the Company, you must submit the claim to Diann Garnett, P.O. Box 496, Brandsville, MO 65688. Each claim must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date the event on which the claim is based occurred; whether the claim is secured, and if so, the nature of the security; and documentation of the claim. **ALL CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED AGAINST THE COMPANY WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.**

**NOTICE TO  
CREDITORS AND CLAIMANTS OF  
CASTLE CONCRETE LLC**

Castle Concrete LLC., a Missouri Limited Liability Company has dissolved and is in the process of winding up its affairs. On August 25, 2021, the Company filed Notice of Winding Up with the Secretary of State of Missouri. Any and all claims against the Company may be sent to Norman S. Newmark of McCarthy, Leonard & Kaemmerer, LC, 825 Maryville Centre Drive, Suite 300, Town and Country, MO 63017. Each claim should include the following: name, address and telephone number of claimant, amount of claim, basis of the claim, and documents related to the claim. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of this publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS  
AGAINST MDG BS, LLC**

On September 29, 2021, MDG BS, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against the Company, you must submit the claim to Diann Garnett, P.O. Box 496, Brandsville, MO 65688. Each claim must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date the event on which the claim is based occurred; whether the claim is secured, and if so, the nature of the security; and documentation of the claim. ALL CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED AGAINST THE COMPANY WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS  
AGAINST MDG GT, LLC**

On September 29, 2021, MDG GT, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State. You are hereby notified that if you believe you have a claim against the Company, you must submit the claim to Diann Garnett, P.O. Box 496, Brandsville, MO 65688. Each claim must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date the event on which the claim is based occurred; whether the claim is secured, and if so, the nature of the security; and documentation of the claim. ALL CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED AGAINST THE COMPANY WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

Notice of Dissolution of  
Limited Liability Company  
To All Creditors of and  
Claimants Against

**ADVENTURE MOTORS RENTALS, LLC**

On September 15, 2021, ADVENTURE MOTORS RENTALS, LLC, a Missouri LLC (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. Claims against the Company shall be mailed to Denker Law Firm LLC, 229 SE Douglas, Ste 210, Lee's Summit, MO 64063. Claims must include: the name, address and phone number of the claimant; the amount being claimed; the date on which the claim arose; the basis for the claim; and all documentation to support the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.

Notice of Dissolution of  
Limited Liability Company  
To All Creditors of and  
Claimants Against  
**ZIA Y FE LLC**

On September 15, 2021, ZIA Y FE LLC, a Missouri LLC (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. Claims against the Company shall be mailed to Denker Law Firm LLC, 229 SE Douglas, Ste 210, Lee's Summit, MO 64063. Claims must include: the name, address and phone number of the claimant; the amount being claimed; the date on which the claim arose; the basis for the claim; and all documentation to support the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
ISLWYN HOLDING COMPANY, LLC**

Islwyn Holding Company, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on September 3, 2021. Any and all claims against Islwyn Holding Company, LLC may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against Islwyn Holding Company, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b>				
1 CSR 10-15.010	State Officials' Salary Compensation Schedule Commissioner of Administration	46 MoReg 1373			45 MoReg 1926
	<b>DEPARTMENT OF AGRICULTURE</b>				
2 CSR 30-10.010	Animal Health	46 MoReg 393	46 MoReg 397	46 MoReg 1338	
2 CSR 70-17.010	Plant Industries	46 MoReg 1039 46 MoReg 1829T	46 MoReg 1049	46 MoReg 1875	
2 CSR 70-17.100	Plant Industries	46 MoReg 1039 46 MoReg 1829T	46 MoReg 1049	46 MoReg 1875	
2 CSR 80-5.010	State Milk Board		46 MoReg 1000	46 MoReg 1804	
2 CSR 90-20.040	Weights, Measures and Consumer Protection		46 MoReg 1585		
2 CSR 90-21.010	Weights, Measures and Consumer Protection		46 MoReg 1585		
2 CSR 90-22.140	Weights, Measures and Consumer Protection		46 MoReg 1586		
2 CSR 90-23.010	Weights, Measures and Consumer Protection		46 MoReg 1586		
2 CSR 90-25.010	Weights, Measures and Consumer Protection		46 MoReg 1586		
2 CSR 90-30.040	Weights, Measures and Consumer Protection		46 MoReg 753	46 MoReg 1633	
	<b>DEPARTMENT OF CONSERVATION</b>				
3 CSR 10-4.111	Conservation Commission		46 MoReg 397	46 MoReg 1082	
3 CSR 10-4.117	Conservation Commission		46 MoReg 1730		
3 CSR 10-4.135	Conservation Commission		46 MoReg 398	46 MoReg 1082	
3 CSR 10-5.205	Conservation Commission		46 MoReg 1730		
3 CSR 10-5.210	Conservation Commission		46 MoReg 1736		
3 CSR 10-5.220	Conservation Commission		46 MoReg 1736		
3 CSR 10-5.700	Conservation Commission				46 MoReg 1689
3 CSR 10-5.705	Conservation Commission				46 MoReg 1689
3 CSR 10-6.510	Conservation Commission		46 MoReg 1736		
3 CSR 10-6.525	Conservation Commission		46 MoReg 1737		
3 CSR 10-6.550	Conservation Commission		46 MoReg 398 46 MoReg 1737	46 MoReg 1082	
3 CSR 10-6.605	Conservation Commission		46 MoReg 398	46 MoReg 1083	
3 CSR 10-7.433	Conservation Commission			46 MoReg 1083	
3 CSR 10-7.434	Conservation Commission			46 MoReg 1084	46 MoReg 1689
3 CSR 10-7.435	Conservation Commission			46 MoReg 1084	
3 CSR 10-7.437	Conservation Commission			46 MoReg 1085	
3 CSR 10-7.439	Conservation Commission		46 MoReg 399	46 MoReg 1085	
3 CSR 10-7.440	Conservation Commission			46 MoReg 1804	
3 CSR 10-7.455	Conservation Commission				46 MoReg 1689
3 CSR 10-7.600	Conservation Commission			46 MoReg 1085	
3 CSR 10-7.700	Conservation Commission				46 MoReg 1689
3 CSR 10-7.715	Conservation Commission		46 MoReg 1737		
3 CSR 10-9.105	Conservation Commission		46 MoReg 399	46 MoReg 1086	
3 CSR 10-9.110	Conservation Commission		46 MoReg 404	46 MoReg 1086	
3 CSR 10-9.220	Conservation Commission		46 MoReg 404	46 MoReg 1086	
3 CSR 10-9.223	Conservation Commission		46 MoReg 407	46 MoReg 1086	
3 CSR 10-9.230	Conservation Commission		46 MoReg 407	46 MoReg 1087	
3 CSR 10-9.240	Conservation Commission		46 MoReg 408	46 MoReg 1087	
3 CSR 10-9.250	Conservation Commission		46 MoReg 408	46 MoReg 1087	
3 CSR 10-9.350	Conservation Commission		46 MoReg 408	46 MoReg 1087	
3 CSR 10-9.351	Conservation Commission		46 MoReg 409	46 MoReg 1087	
3 CSR 10-9.352	Conservation Commission		46 MoReg 411	46 MoReg 1087	
3 CSR 10-9.353	Conservation Commission		46 MoReg 413	46 MoReg 1088	
3 CSR 10-9.354	Conservation Commission		46 MoReg 415	46 MoReg 1088	
3 CSR 10-9.359	Conservation Commission		46 MoReg 420	46 MoReg 1089	
3 CSR 10-9.360	Conservation Commission		46 MoReg 420	46 MoReg 1089	
3 CSR 10-9.370	Conservation Commission		46 MoReg 421	46 MoReg 1089	
3 CSR 10-9.371	Conservation Commission		46 MoReg 424	46 MoReg 1090	
3 CSR 10-9.372	Conservation Commission		46 MoReg 429	46 MoReg 1090	
3 CSR 10-9.442	Conservation Commission		46 MoReg 429	46 MoReg 1090	
3 CSR 10-9.560	Conservation Commission		46 MoReg 429	46 MoReg 1090	
3 CSR 10-9.565	Conservation Commission		46 MoReg 430	46 MoReg 1090	
3 CSR 10-9.566	Conservation Commission		46 MoReg 434	46 MoReg 1092	
3 CSR 10-10.725	Conservation Commission		46 MoReg 434 46 MoReg 1738	46 MoReg 1092	
3 CSR 10-10.739	Conservation Commission		46 MoReg 434	46 MoReg 1092	
3 CSR 10-10.744	Conservation Commission		46 MoReg 435	46 MoReg 1093	
3 CSR 10-10.767	Conservation Commission		46 MoReg 435	46 MoReg 1093	
3 CSR 10-11.110	Conservation Commission		46 MoReg 1742		
3 CSR 10-11.130	Conservation Commission		46 MoReg 1742		
3 CSR 10-11.186	Conservation Commission		46 MoReg 436	46 MoReg 1093	
3 CSR 10-11.190	Conservation Commission		46 MoReg 1745		
3 CSR 10-11.205	Conservation Commission		46 MoReg 1745		
3 CSR 10-11.210	Conservation Commission		46 MoReg 1746		
3 CSR 10-12.109	Conservation Commission		46 MoReg 436 46 MoReg 1746	46 MoReg 1093	
3 CSR 10-12.110	Conservation Commission		46 MoReg 436	46 MoReg 1093	
3 CSR 10-12.125	Conservation Commission		46 MoReg 1747		
3 CSR 10-12.145	Conservation Commission		46 MoReg 1747		
3 CSR 10-20.805	Conservation Commission		46 MoReg 437 46 MoReg 1748	46 MoReg 1093	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 10-1.010	Commissioner of Education		46 MoReg 1450		
5 CSR 10-3.010	Commissioner of Education		46 MoReg 1451		
5 CSR 20-100.220	Division of Learning Services		46 MoReg 1451		
5 CSR 20-100.310	Division of Learning Services moved to 5 CSR 25-100.310				46 MoReg 164I
5 CSR 20-100.230	Division of Learning Services				46 MoReg 1806
5 CSR 20-100.320	Division of Learning Services moved to 5 CSR 25-100.320		46 MoReg R		46 MoReg 164I
5 CSR 20-100.330	Division of Learning Services moved to 5 CSR 25-100.330				46 MoReg 164I
5 CSR 20-300.120	Division of Learning Services moved to 5 CSR 25-100.120				46 MoReg 164I
5 CSR 20-300.130	Division of Learning Services moved to 5 CSR 30-660.095		46 MoReg 926	This Issue	
5 CSR 20-400.210	Division of Learning Services		This Issue		
5 CSR 20-400.220	Division of Learning Services		46 MoReg 926	This Issue	
5 CSR 20-400.260	Division of Learning Services		This Issue		
5 CSR 20-400.360	Division of Learning Services		46 MoReg 1000R	This IssueR	
5 CSR 20-400.500	Division of Learning Services		46 MoReg 754	46 MoReg 1633	
5 CSR 20-400.540	Division of Learning Services		46 MoReg 1751		
5 CSR 20-700.100	Division of Learning Services		46 MoReg 1752		
5 CSR 25-100.120	Office of Childhood formerly 5 CSR 20-300.120				46 MoReg 164I
5 CSR 25-100.310	Office of Childhood formerly 5 CSR 20-100.310		46 MoReg 1838R		46 MoReg 164I
5 CSR 25-100.320	Office of Childhood formerly 5 CSR 20-100.320				46 MoReg 164I
5 CSR 25-100.330	Office of Childhood formerly 5 CSR 20-100.330				46 MoReg 164I
5 CSR 25-200.050	Office of Childhood formerly 13 CSR 35-32.050				46 MoReg 164I
5 CSR 25-200.060	Office of Childhood formerly 13 CSR 35-32.060				46 MoReg 164I
5 CSR 25-200.070	Office of Childhood formerly 13 CSR 35-32.070				46 MoReg 164I
5 CSR 25-200.090	Office of Childhood formerly 13 CSR 35-32.090				46 MoReg 164I
5 CSR 25-200.100	Office of Childhood formerly 13 CSR 35-32.100				46 MoReg 164I
5 CSR 25-200.110	Office of Childhood formerly 13 CSR 35-32.110				46 MoReg 164I
5 CSR 25-200.120	Office of Childhood formerly 13 CSR 35-32.120				46 MoReg 164I
5 CSR 25-200.130	Office of Childhood formerly 13 CSR 35-32.130				46 MoReg 164I
5 CSR 25-300	Office of Childhood formerly 19 CSR 30-60				46 MoReg 164I
5 CSR 25-400	Office of Childhood formerly 19 CSR 30-61				46 MoReg 1642
5 CSR 25-500	Office of Childhood formerly 19 CSR 30-62				46 MoReg 1642
5 CSR 25-600	Office of Childhood formerly 19 CSR 30-63				46 MoReg 1642
5 CSR 30-640.200	Division of Financial and Administrative Services		46 MoReg 927	This Issue	
5 CSR 30-660.080	Division of Financial and Administrative Services		46 MoReg 927	This Issue	
5 CSR 30-660.095	Division of Financial and Administrative Services formerly 5 CSR 20-300.130		46 MoReg 926	This Issue	
5 CSR 30-680.010	Division of Financial and Administrative Services		46 MoReg 1752		
5 CSR 30-680.020	Division of Financial and Administrative Services		46 MoReg 1754		
5 CSR 30-680.030	Division of Financial and Administrative Services		46 MoReg 1754R		
5 CSR 30-680.035	Division of Financial and Administrative Services		46 MoReg 1755		
5 CSR 30-680.040	Division of Financial and Administrative Services		46 MoReg 1755		
5 CSR 30-680.050	Division of Financial and Administrative Services		46 MoReg 1756R		
5 CSR 30-680.060	Division of Financial and Administrative Services		46 MoReg 1756		
5 CSR 30-680.070	Division of Financial and Administrative Services		46 MoReg 1756		
5 CSR 30-680.080	Division of Financial and Administrative Services		46 MoReg 928	This Issue	
<b>DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT</b>					
6 CSR 10-2.195	Commissioner of Higher Education and Workforce Development		46 MoReg 1757		
6 CSR 10-14.010	Commissioner of Higher Education and Workforce Development		This Issue		
<b>MISSOURI DEPARTMENT OF TRANSPORTATION</b>					
7 CSR	Notice of Periodic Rule Review				46 MoReg 1096
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR	Notice of Periodic Rule Review				46 MoReg 1096
8 CSR 10-3.160	Division of Employment Security	46 MoReg 1575	46 MoReg 1587		
8 CSR 20-7.010	Labor and Industrial Relations Commission		46 MoReg 606R	46 MoReg 1634R	
8 CSR 50-6.010	Division of Workers' Compensation		46 MoReg 606R	46 MoReg 1634R	
8 CSR 60-2.025	Missouri Commission on Human Rights		46 MoReg 1838		
8 CSR 60-2.100	Missouri Commission on Human Rights		46 MoReg 1839		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR	Notice of Periodic Rule Review				46 MoReg 1096
9 CSR 10-5.210	Director, Department of Mental Health		46 MoReg 1452		
9 CSR 30-3.032	Certification Standards		46 MoReg 1050	This Issue	
9 CSR 30-3.100	Certification Standards		46 MoReg 1052R	This IssueR	
			46 MoReg 1052	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
9 CSR 30-3.110	Certification Standards		46 MoReg 1054R 46 MoReg 1054	This IssueR This Issue	
9 CSR 30-3.132	Certification Standards		46 MoReg 1058R 46 MoReg 1058	This IssueR This Issue	
9 CSR 30-3.155	Certification Standards		46 MoReg 1064	This Issue	
9 CSR 30-3.157	Certification Standards		46 MoReg 1065	This Issue	
9 CSR 30-3.195	Certification Standards		46 MoReg 1066	This Issue	
9 CSR 40-5.015	Licensing Rules		46 MoReg 1453R		
9 CSR 40-5.035	Licensing Rules		46 MoReg 1453R		
9 CSR 40-5.055	Licensing Rules		46 MoReg 1454R		
9 CSR 40-5.075	Licensing Rules		46 MoReg 1454		
9 CSR 50-2.010	Admission Criteria		46 MoReg 497	46 MoReg 1094	
9 CSR 50-2.510	Admission Criteria		46 MoReg 505	46 MoReg 1094	
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR	Notice of Periodic Rule Review				46 MoReg 1096
10 CSR 10-5.381	Air Conservation Commission		46 MoReg 1840		
10 CSR 10-6.300	Air Conservation Commission		46 MoReg 1590R		
10 CSR 10-6.376	Air Conservation Commission		46 MoReg 691	46 MoReg 1804	
10 CSR 20-7.031	Clean Water Commission		46 MoReg 1153		
10 CSR 25-7	Hazardous Waste Management Commission				46 MoReg 1806
10 CSR 60-5.010	Safe Drinking Water Commission		46 MoReg 931		
10 CSR 60-5.020	Safe Drinking Water Commission		46 MoReg 932		
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 30-13.010	Office of the Director moved to 11 CSR 90-4.010		46 MoReg 696	46 MoReg 1485	
11 CSR 30-13.020	Office of the Director moved to 11 CSR 90-4.020		46 MoReg 696	46 MoReg 1486	
11 CSR 30-13.030	Office of the Director moved to 11 CSR 90-4.030		46 MoReg 697	46 MoReg 1486	
11 CSR 30-13.040	Office of the Director moved to 11 CSR 90-4.040		46 MoReg 697	46 MoReg 1486	
11 CSR 30-13.050	Office of the Director moved to 11 CSR 90-4.050		46 MoReg 698	46 MoReg 1486	
11 CSR 30-13.060	Office of the Director moved to 11 CSR 90-4.060		46 MoReg 698	46 MoReg 1486	
11 CSR 30-13.070	Office of the Director moved to 11 CSR 90-4.070		46 MoReg 699	46 MoReg 1487	
11 CSR 30-13.080	Office of the Director moved to 11 CSR 90-4.080		46 MoReg 700	46 MoReg 1487	
11 CSR 30-13.090	Office of the Director moved to 11 CSR 90-4.090		46 MoReg 701	46 MoReg 1487	
11 CSR 30-13.110	Office of the Director moved to 11 CSR 90-4.100		46 MoReg 702	46 MoReg 1487	
11 CSR 30-18.010	Office of the Director		46 MoReg 606	46 MoReg 1634	
11 CSR 30-18.020	Office of the Director		46 MoReg 612	46 MoReg 1635	
11 CSR 45-5.090	Missouri Gaming Commission		46 MoReg 758	This Issue	
11 CSR 45-5.110	Missouri Gaming Commission		46 MoReg 758	This Issue	
11 CSR 45-5.140	Missouri Gaming Commission		46 MoReg 758	This Issue	
11 CSR 45-7.130	Missouri Gaming Commission		This Issue		
11 CSR 45-9.108	Missouri Gaming Commission		46 MoReg 759	This Issue	
11 CSR 45-9.113	Missouri Gaming Commission		This Issue		
11 CSR 45-9.118	Missouri Gaming Commission		46 MoReg 759	This Issue	
11 CSR 45-9.123	Missouri Gaming Commission		46 MoReg 1759		
11 CSR 85-1.060	Veterans Affairs		46 MoReg 1067	46 MoReg 1804	
11 CSR 90-2.010	Missouri 911 Service Board	46 MoReg 1713	46 MoReg 1759		
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-24.448	Director of Revenue		46 MoReg 935	46 MoReg 1686	
12 CSR 10-25.120	Director of Revenue		This Issue		
12 CSR 10-26.230	Director of Revenue	46 MoReg 1713	46 MoReg 1759		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 10-3.040	Division of Finance and Administrative Services		46 MoReg 1761		
13 CSR 10-3.050	Division of Finance and Administrative Services		46 MoReg 1762		
13 CSR 35-30.020	Children's Division	46 MoReg 1040	46 MoReg 1068	46 MoReg 1875	
13 CSR 35-30.030	Children's Division	46 MoReg 1043	46 MoReg 1071	46 MoReg 1875	
13 CSR 35-31.025	Children's Division		46 MoReg 855	46 MoReg 1636	
13 CSR 35-32.020	Child Support Enforcement moved to 13 CSR 35-35.120	46 MoReg 1121	46 MoReg 1287		
13 CSR 35-32.030	Child Support Enforcement moved to 13 CSR 35-35.130	46 MoReg 1126	46 MoReg 1291		
13 CSR 35-32.050	Child Support Enforcement moved to 5 CSR 25-200.050				46 MoReg 1641
13 CSR 35-32.060	Child Support Enforcement moved to 5 CSR 25-200.060				46 MoReg 1641
13 CSR 35-32.070	Child Support Enforcement moved to 5 CSR 25-200.070				46 MoReg 1641
13 CSR 35-32.090	Child Support Enforcement moved to 5 CSR 25-200.090				46 MoReg 1641
13 CSR 35-32.100	Child Support Enforcement moved to 5 CSR 25-200.100				46 MoReg 1641
13 CSR 35-32.110	Child Support Enforcement moved to 5 CSR 25-200.110				46 MoReg 1641
13 CSR 35-32.120	Child Support Enforcement moved to 5 CSR 25-200.120				46 MoReg 1641
13 CSR 35-32.130	Child Support Enforcement moved to 5 CSR 25-200.130				46 MoReg 1641
13 CSR 35-35.100	Children's Division	46 MoReg 1130	46 MoReg 1295		
13 CSR 35-35.120	Children's Division formerly 13 CSR 35-32.020	46 MoReg 1121	46 MoReg 1287		
13 CSR 35-35.130	Children's Division formerly 13 CSR 35-32.030	46 MoReg 1126	46 MoReg 1291		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 35-35.140	Children's Division formerly 13 CSR 35-50.010	46 MoReg 1134	46 MoReg 1301		
13 CSR 35-50.010	Child Support Enforcement moved to 13 CSR 35-35.140	46 MoReg 1134	46 MoReg 1301		
13 CSR 35-71.010	Children's Division	This Issue	This Issue		
13 CSR 35-71.015	Children's Division	This Issue	This Issue		
13 CSR 35-71.020	Children's Division	This Issue	This Issue		
13 CSR 35-71.030	Children's Division	This Issue	This Issue		
13 CSR 35-71.045	Children's Division	This Issue	This Issue		
13 CSR 35-71.300	Children's Division	This Issue	This Issue		
13 CSR 35-73.010	Children's Division	This Issue	This Issue		
13 CSR 35-73.012	Children's Division	This Issue	This Issue		
13 CSR 35-73.017	Children's Division	This Issue	This Issue		
13 CSR 35-73.030	Children's Division	This Issue	This Issue		
13 CSR 35-73.035	Children's Division	This Issue	This Issue		
13 CSR 40-2.015	Family Support Division		46 MoReg 325	46 MoReg 1094W	
13 CSR 40-7.010	Family Support Division		46 MoReg 327	46 MoReg 1338W	
13 CSR 40-7.050	Family Support Division		46 MoReg 859		
13 CSR 65-2.010	Missouri Medicaid and Audit Compliance		46 MoReg 1763		
13 CSR 65-2.020	Missouri Medicaid and Audit Compliance		46 MoReg 1767		
13 CSR 65-2.030	Missouri Medicaid and Audit Compliance		46 MoReg 1772		
13 CSR 70-1.010	MO HealthNet Division		49 MoReg 1858		
13 CSR 70-3.020	MO HealthNet Division		46 MoReg 1773R		
13 CSR 70-3.035	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-3.050	MO HealthNet Division		46 MoReg 1621R		
13 CSR 70-3.120	MO HealthNet Division		46 MoReg 1675		
13 CSR 70-3.140	MO HealthNet Division		46 MoReg 1774	46 MoReg 1875R	
13 CSR 70-3.170	MO HealthNet Division		46 MoReg 1076R		
13 CSR 70-3.180	MO HealthNet Division		46 MoReg 1675		
13 CSR 70-3.200	MO HealthNet Division	46 MoReg 1715	46 MoReg 1774		
13 CSR 70-3.260	MO HealthNet Division moved to 13 CSR 70-25.150		46 MoReg 1865		
13 CSR 70-4.050	MO HealthNet Division		46 MoReg 1775R		
13 CSR 70-4.060	MO HealthNet Division		46 MoReg 1076	46 MoReg 1876	
13 CSR 70-4.100	MO HealthNet Division		46 MoReg 1676		
13 CSR 70-4.110	MO HealthNet Division		46 MoReg 1677		
13 CSR 70-4.120	MO HealthNet Division		46 MoReg 1678		
13 CSR 70-6.020	MO HealthNet Division		This Issue		
13 CSR 70-10.015	MO HealthNet Division		46 MoReg 612	46 MoReg 1338	
13 CSR 70-10.016	MO HealthNet Division	46 MoReg 1829	46 MoReg 1868		
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13 CSR 70-15.070	MO HealthNet Division	46 MoReg 1667	46 MoReg 1680		
13 CSR 70-15.110	MO HealthNet Division	46 MoReg 1718	46 MoReg 1778		
13 CSR 70-15.160	MO HealthNet Division	46 MoReg 1578	46 MoReg 937	46 MoReg 1876	
13 CSR 70-20.050	MO HealthNet Division		46 MoReg 1077	46 MoReg 1879	
13 CSR 70-20.070	MO HealthNet Division	46 MoReg 904	46 MoReg 944	46 MoReg 1879	
13 CSR 70-20.075	MO HealthNet Division	46 MoReg 905	46 MoReg 944	46 MoReg 1880	
13 CSR 70-25.110	MO HealthNet Division		46 MoReg 623	46 MoReg 1339	
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19 CSR 30-62	Division of Regulation and Licensure moved to 5 CSR 25-500				46 MoReg 1642
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20 CSR 200-2.100	Insurance Solvency and Company Regulation		46 MoReg 1786		
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20 CSR 2030-4.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		46 MoReg 1458		
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20 CSR 2120-2.100	State Board of Embalmers and Funeral Directors		46 MoReg 1077	46 MoReg 1881	
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20 CSR 2245-2.020	Real Estate Appraisers		46 MoReg 1081	46 MoReg 1881	
20 CSR 2250-2.040	Missouri Real Estate Commission		This Issue		
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20 CSR 2255-2.010	Missouri Board for Respiratory Care				46 MoReg 1643
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20 CSR 4240-40.020	Public Service Commission		46 MoReg 1460		
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20 CSR 4240-40.080	Public Service Commission		46 MoReg 1477		
20 CSR 4240-120.140	Public Service Commission		46 MoReg 1624		
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20 CSR 4240-125.040	Public Service Commission		46 MoReg 1630		
20 CSR 4240-125.050	Public Service Commission		46 MoReg 1632R		

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1 CSR 10-15.010 Cafeteria Plan . . . . .	46 MoReg 1373 . . . . .	July 9, 2021 . . . . .	Jan. 1, 2022
<b>Department of Agriculture</b>			
<b>Plant Industries</b>			
2 CSR 70-17.010 Definitions . . . . .	46 MoReg 1039 . . . . .	June 10, 2021 . . . . .	Term. Nov.30, 2021
2 CSR 70-17.100 Sampling Requirements and Results of Analysis . . . . .	46 MoReg 1039 . . . . .	June 10, 2021 . . . . .	Term. Nov.30, 2021
<b>Department of Higher Education and Workforce Development</b>			
<b>Commissioner of Higher Education and Workforce Development</b>			
6 CSR 10-2.190 A+ Scholarship Program . . . . .	46 MoReg 903 . . . . .	May 12, 2021 . . . . .	Feb. 21, 2022
<b>Department of Labor and Industrial Relations</b>			
<b>Division of Workers' Compensation</b>			
8 CSR 10-3.160 Waiver of Recovery of Overpayments Under the Coronavirus Aid, Relief and Economic Security Act (CARES), as Amended . . . . .	46 MoReg 1575 . . . . .	July 19, 2021 . . . . .	Feb. 24, 2022
<b>Department of Public Safety</b>			
<b>Missouri 911 Service Board</b>			
11 CSR 90-2.010 Definitions . . . . .	46 MoReg 1713 . . . . .	Sept. 15, 2021 . . . . .	March 13, 2022
<b>Department of Revenue</b>			
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12 CSR 10-26.230 Dealer Administrative Fees and System Modernization . . . . .	46 MoReg 1713 . . . . .	Sept. 2, 2021 . . . . .	Feb. 28, 2022
12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . .	Next Issue . . . . .	Jan. 1, 2022 . . . . .	June 29, 2022
<b>Department of Social Services</b>			
<b>Children's Division</b>			
13 CSR 35-30.020 Immediate Safety Intervention Plan . . . . .	46 MoReg 1040 . . . . .	Aug. 2, 2021 . . . . .	Feb. 24, 2022
13 CSR 35-30.030 Temporary Alternative Placement Agreements (TAPA) . . . . .	46 MoReg 1043 . . . . .	Aug. 2, 2021 . . . . .	Feb. 24, 2022
13 CSR 35-35.100 Response and Evaluation Process for Case Management of Children in Foster Care . . . . .	46 MoReg 1130 . . . . .	July 1, 2021 . . . . .	Feb. 24, 2022
13 CSR 35-35.120 Foster Care Case Management Contracts . . . . .	46 MoReg 1121 . . . . .	July 1, 2021 . . . . .	Feb. 24, 2022
13 CSR 35-35.130 Contracted Foster Care Case Management Costs . . . . .	46 MoReg 1126 . . . . .	July 1, 2021 . . . . .	Feb. 24, 2022
13 CSR 35-35.140 Accreditation as Evidence for Meeting Licensing Requirements . . . . .	46 MoReg 1134 . . . . .	July 1, 2021 . . . . .	Feb. 24, 2022
13 CSR 35-71.010 Definitions and Principles Generally Applicable to this Chapter . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-71.015 Background Checks for Personnel of Residential Care Facilities and Child Placing Agencies . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-71.020 Basic Residential Treatment for Children and Youth Core Requirements (Applicable To All Agencies)-Basis for Licensure and Licensing Procedures . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-71.030 Hearings and Judicial Review . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-71.045 Personnel . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-71.300 Notification Requirements for License-Exempt Residential Care Facilities . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-73.010 Scope and Definitions . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-73.012 Basis for Licensure and Licensing Procedures . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-73.017 Hearings and Judicial Review . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-73.030 Personnel Practices and Personnel . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
13 CSR 35-73.035 Staff Qualifications and Requirements . . . . .	This Issue . . . . .	Oct. 1, 2021 . . . . .	March 29, 2022
<b>Family Support Division</b>			
13 CSR 40-2.015 Authorized Representatives . . . . .	Next Issue . . . . .	Oct. 20, 2021 . . . . .	April 17, 2022
13 CSR 40-7.010 Scope and Definitions . . . . .	Next Issue . . . . .	Oct. 20, 2021 . . . . .	April 17, 2022
13 CSR 40-7.050 Presumptive Eligibility . . . . .	Next Issue . . . . .	Oct. 20, 2021 . . . . .	April 17, 2022
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13 CSR 70-3.035 Violations Attested to by the Department of Health and Senior Services . . . . .	This Issue . . . . .	Oct. 18, 2021 . . . . .	April 15, 2022
13 CSR 70-3.200 Ambulance Service Reimbursement Allowance . . . . .	46 MoReg 1715 . . . . .	Sept. 8, 2021 . . . . .	March 6, 2022
13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates . . . . .	46 MoReg 1829 . . . . .	Sept. 27, 2021 . . . . .	March 25, 2022
13 CSR 70-15.015 Direct Medicaid Payments . . . . .	46 MoReg 1715 . . . . .	Sept. 10, 2021 . . . . .	March 8, 2022

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<b>13 CSR 70-15.070</b>	Inpatient Psychiatric Services for Individuals Under Age Twenty-One . . . . .	.46 MoReg 1667 . . . . .	Sept. 29, 2021 . . . . . March 27, 2022
<b>13 CSR 70-15.110</b>	Federal Reimbursement Allowance (FRA) . . . . .	.46 MoReg 1718 . . . . .	Sept. 10, 2021 . . . . . March 8, 2022
<b>13 CSR 70-15.160</b>	Outpatient Hospital Services Reimbursement Methodology .46 MoReg 1578 . . . . .	July 20, 2021 . . . . .	Feb. 24, 2022
<b>13 CSR 70-20.070</b>	Drug Reimbursement Methodology . . . . .	.46 MoReg 904 . . . . .	July 1, 2021 . . . . . Feb. 24, 2022
<b>13 CSR 70-20.075</b>	340B Drug Pricing Program . . . . .	.46 MoReg 905 . . . . .	July 1, 2021 . . . . . Feb. 24, 2022
<b>13 CSR 70-90.010</b>	Home Health-Care Services . . . . .	.Next Issue . . . . .	Oct. 20, 2021 . . . . . April 17, 2022

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**State Auditor**

<b>15 CSR 40-3.125</b>	Calculation and Revision of Property Tax Rates by School Districts . . . . .	.46 MoReg 909 . . . . .	May 13, 2021 . . . . . Dec. 30, 2021
<b>15 CSR 40-3.135</b>	Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts . . . . .	.46 MoReg 917 . . . . .	May 13, 2021 . . . . . Dec. 30, 2021

**Department of Health and Senior Services**

**Division of Regulation and Licensure**

<b>19 CSR 30-1.002</b>	Schedules of Controlled Substances . . . . .	.This Issue . . . . .	Oct. 13, 2021 . . . . . April 10, 2022
<b>19 CSR 30-30.060</b>	Standards for the Operation of the Abortion Facilities . . . . .	.This Issue . . . . .	Oct. 13, 2021 . . . . . April 10, 2022
<b>19 CSR 30-81.030</b>	Evaluation and Assessment Measures for Title XIX Recipients . . . . .	.Next Issue . . . . .	Oct. 29, 2021 . . . . . April 26, 2022
<b>19 CSR 30-82.050</b>	Transfer and Discharge Procedures . . . . .	.46 MoReg 1725 . . . . .	Sept. 16, 2021 . . . . . March 14, 2022
<b>19 CSR 30-84.010</b>	Nursing Assistant Training Program . . . . .	.46 MoReg 1136 . . . . .	June 28, 2021 . . . . . Dec. 24, 2021

**Department of Commerce and Insurance**

**State Board of Registration for the Healing Arts**

<b>20 CSR 2150-2.200</b>	Assistant Physician—Application for Licensure . . . . .	.46 MoReg 1837 . . . . .	Sept. 29, 2021 . . . . . Dec. 31, 2021
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**State Board of Pharmacy**

<b>20 CSR 2220-2.200</b>	Sterile Compounding . . . . .	.46 MoReg 853 . . . . .	April 28, 2021 . . . . . Feb. 7, 2022
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<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<u><b>2021</b></u>			
<b>21-09</b>	Terminates the state of emergency declared in Executive Order 20-02, declares a state of emergency, suspends certain regulations related to telemedicine and physical presence for executing documents, and allows state agencies to waive some regulatory requirements.	August 27, 2021	46 MoReg 1727
<b>21-08</b>	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	August 10, 2021	46 MoReg 1673
<b>Proclamation</b>	Convenes the First Extra Session of the First Regular Session of the One Hundred and First General Assembly for extending the Federal Reimbursement Allowances (FRA) and related allowances, taxes, and assessments necessary for funding MO HealthNet	June 22, 2021	46 MoReg 1447
<b>21-07</b>	Extends Executive Order 20-02, Executive Order 20-04, Executive Order 20-05, Executive Order 20-06, and Executive Order 20-14 until August 31, 2021	March 26, 2021	46 MoReg 750
<b>21-06</b>	Creates and establishes the Show Me Strong Recovery Task Force and rescinds Executive Order	March 22, 2021	46 MoReg 748
<b>21-05</b>	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 24, 2021	46 MoReg 605
<b>21-04</b>	Extends Executive Order 21-03 until February 28, 2021 and terminates Executive Order 20-17.	February 19, 2021	46 MoReg 603
<b>21-03</b>	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021	February 11, 2021	46 MoReg 495
<b>21-02</b>	Establishes the Office of Childhood within the Department of Elementary and Secondary Education	January 28, 2021	46 MoReg 394
<b>21-01</b>	Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06	January 7, 2021	46 MoReg 314
<u><b>2020</b></u>			
<b>20-21</b>	Modifies the provisions of the Missouri Justice Reinvestment Executive Oversight Council, as established in Executive Order 18-08	December 30, 2020	46 MoReg 185
<b>20-20</b>	Closes state offices December 24, 2020	December 7, 2020	46 MoReg 46
<b>20-19</b>	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia until March 31, 2021. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	November 19, 2020	46 MoReg 7
<b>Proclamation</b>	Adds additional measures for consideration during the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	November 12, 2020	45 MoReg 1953
<b>20-18</b>	Closes state offices November 27, 2020	October 30, 2020	45 MoReg 1862
<b>Proclamation</b>	Convenes the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	October 21, 2020	45 MoReg 1860
<b>20-17</b>	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	September 24, 2020	45 MoReg 1656
<b>20-16</b>	Extends Executive Order 20-12 regarding the activation of the state militia until December 30, 2020	September 15, 2020	45 MoReg 1562
<b>20-15</b>	Establishes the Interagency Task Force on Worker Classification	September 11, 2020	45 MoReg 1559
<b>20-14</b>	Suspends the requirement of physical appearance as stated in Chapter 474 by authorizing the use of audio-visual technology	September 3, 2020	45 MoReg 1557
<b>Proclamation</b>	Amends the matters specifically designated and limited for consideration by the General Assembly in the July 15, 2020 Proclamation	August 10, 2020	45 MoReg 1338
<b>20-13</b>	Extends Executive Order 18-12 regarding the 2020 Census until November 30, 2020	July 31, 2020	45 MoReg 1303
<b>Proclamation</b>	Convenes the one hundredth general assembly of the State of Missouri in the First Extra Session of the Second Regular Session	July 15, 2020	45 MoReg 1220
<b>20-12</b>	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	June 11, 2020	45 MoReg 1064
<b>20-11</b>	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	May 30, 2020	45 MoReg 990

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>Proclamation</b>	Calls for a special election on August 4th of 2020	May 26, 2020	45 MoReg 988
<b>20-10</b>	Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020	May 4, 2020	45 MoReg 895
<b>20-09</b>	Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated	April 24, 2020	45 MoReg 789
<b>20-08</b>	Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology	April 6, 2020	45 MoReg 718
<b>20-07</b>	Waives late penalties for concealed carry permits for 60 days	April 2, 2020	45 MoReg 716
<b>20-06</b>	Activates the state militia in response to the COVID-19 pandemic	March 27, 2020	45 MoReg 587
<b>20-05</b>	Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency	March 23, 2020	45 MoReg 585
<b>20-04</b>	Suspends certain agency regulations to allow them to address the current state of emergency	March 18, 2020	45 MoReg 583
<b>20-03</b>	Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020	March 18, 2020	45 MoReg 580
<b>20-02</b>	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated	March 13, 2020	45 MoReg 529
<b>20-01</b>	Designates supervisory authority over select departments, divisions, or agencies of government	Feb. 03, 2020	45 MoReg 352

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***We are currently offering virtual classes.***

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